

112TH CONGRESS  
2D SESSION

# H. R. 4310

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## AN ACT

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

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

3       **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

17           (4) Division D—Funding Tables.

18       (b) TABLE OF CONTENTS.—The table of contents for  
 19       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. 1064. Report on conventional and nuclear forces in the Western Pacific region.
- Sec. 1065. Sense of Congress on nuclear arsenal.

- Sec. 1065A. Budget requirements associated with sustaining and modernizing the nuclear deterrent.
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- Sec. 1067. Electronic Warfare Strategy of the Department of Defense.
- Sec. 1068. Report on counterproliferation capabilities and limitations.
- Sec. 1069. Report on communications from Congress on status of military construction projects.
- Sec. 1070. Federal mortuary affairs advisory commission.
- Sec. 1070A. Report on manufacturing industry.
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- Sec. 1074. Interagency collaboration on unmanned aircraft systems.
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- Sec. 1089. Rialto-Colton basin, California, water resources study.
- Sec. 1090. Report on designation of Boko Haram as a foreign terrorist organization.
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- Sec. 1213. One-year extension of authority to use funds for reintegration activities in Afghanistan.
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- Sec. 1611. Pilot program to assist in the growth and development of advanced small business concerns.
- Sec. 1612. Role of the Directors of Small Business Programs in requirements development and acquisition decision processes of the Department of Defense.
- Sec. 1613. Small Business Advocate for defense audit agencies.
- Sec. 1614. Independent assessment of Federal procurement contracting performance of the Department of Defense.
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- Sec. 1681. Safe harbor for good faith compliance efforts.
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- Sec. 1683. Requirement fraudulent businesses be suspended or debarred.
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PART X—OTHER MATTERS

Sec. 1695. Surety bonds.

Sec. 1696. Assessment of outreach for small business concerns owned and controlled by women and minorities required before conversion of certain functions to contractor performance.

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TITLE XVII—END TRAFFICKING IN GOVERNMENT CONTRACTING

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Sec. 1702. Definitions.

Sec. 1703. Contracting requirements.

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Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2010 project.

Sec. 2105. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.

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TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

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TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
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- Sec. 2304. Authorization of appropriations, Air Force.
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- Sec. 2404. Modification of authority to carry out certain fiscal year 2012 projects.
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### Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
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## TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
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### Subtitle A—Project Authorizations and Authorization of Appropriations

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
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- Sec. 2606. Authorization of appropriations, National Guard and Reserve.

### Subtitle B—Other Matters

- Sec. 2611. Modification of authority to carry out certain fiscal year 2010 projects.
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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.
- Sec. 2713. Prohibition on conducting additional Base Realignment and Closure (BRAC) round.
- Sec. 2714. Consideration of United States military bases located overseas in criteria used to consider and recommend military installations for closure or realignment.

### TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

#### Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Preparation of military installation master plans.
- Sec. 2802. Sustainment oversight and accountability for military housing privatization projects and related annual reporting requirements.
- 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.
- Sec. 2806. Use of project labor agreements in military construction projects and military family housing projects.

#### 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.
- Sec. 2812. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
- Sec. 2813. Indemnification of transferees of property at any closed military installation.
- Sec. 2814. Identification requirement for entry on military installations.
- 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.
- Sec. 2824. Definition of renewable energy source for Department of Defense energy security.

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- 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.
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- 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. 2864. Gold Star Mothers National Monument, Arlington National Cemetery.
- 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.
- Sec. 2869. Massachusetts Institute of Technology—Lincoln Laboratory improvement project.
- Sec. 2870. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California.
- Sec. 2871. Retention of core functions of the Air Traffic Control Station, Johnstown Air National Guard Base, Pennsylvania.

Sec. 2872. Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations.

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

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.  
 Sec. 3102. Defense environmental cleanup.  
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Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Authorized personnel levels of the Office of the Administrator.  
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 Sec. 3114. National Nuclear Security Administration Council.  
 Sec. 3115. Safety, health, and security of the National Nuclear Security Administration.  
 Sec. 3116. Design and use of prototypes of nuclear weapons.  
 Sec. 3117. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.  
 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.  
 Sec. 3123. Limitation on availability of funds for nuclear nonproliferation activities with Russian Federation.

Subtitle C—Improvements to National Security Energy Laws

Sec. 3131. Improvements to the Atomic Energy Defense Act.  
 Sec. 3132. Improvements to the National Nuclear Security Administration Act.  
 Sec. 3133. Clarification of the role of the Administrator for Nuclear Security.  
 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.
- Sec. 3146. Study on a multi-agency governance model for national security laboratories.

#### 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.
- Sec. 3158. Pilot program on technology commercialization.

#### TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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

#### TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

#### TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
- Sec. 3502. Application of the Federal acquisition regulation.
- Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
- Sec. 3504. Donation of excess fuel to maritime academies.
- Sec. 3505. Clarification of heading.
- Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.
- Sec. 3507. Amendments relating to the National Defense Reserve Fleet.
- Sec. 3508. Extension of Maritime Security Fleet program.
- Sec. 3509. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
- Sec. 3510. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.

#### 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. OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

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

2       In this Act, the term “congressional defense commit-  
3 tees” has the meaning given that term in section  
4 101(a)(16) of title 10, United States Code.

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

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

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

11 **Subtitle B—Army Programs**

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

14 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.—**  
15 In accordance with section 2306b of title 10, United  
16 States Code, the Secretary of the Army may enter into  
17 a multiyear contract, beginning with the fiscal year 2013  
18 program year, for the procurement of airframes for CH-  
19 47F helicopters.

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

1 **SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE**  
2 **ARMY.**

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

8 (b) MATTERS INCLUDED.—The reports under sub-  
9 section (a) shall include, with respect to the fiscal year  
10 before the fiscal year in which the report is submitted,  
11 the following information:

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

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

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

21 (A) aircraft of the Army;

22 (B) aircraft of the Air Force; and

23 (C) aircraft of contractors.

24 (4) For each sortie described under subpara-  
25 graph (A) or (C) of paragraph (3), an explanation

1 for why the Secretary did not use aircraft of the Air  
2 Force to support the mission.

### 3 **Subtitle C—Navy Programs**

#### 4 **SEC. 121. RETIREMENT OF NUCLEAR-POWERED BALLISTIC** 5 **SUBMARINES.**

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

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

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

#### 19 **SEC. 122. EXTENSION OF FORD-CLASS AIRCRAFT CARRIER** 20 **CONSTRUCTION AUTHORITY.**

21 Section 121(a) of the John Warner National Defense  
22 Authorization Act for Fiscal Year 2007 (Public Law 109–  
23 364; 120 Stat. 2104), as amended by section 124 of the  
24 National Defense Authorization Act for Fiscal Year 2012  
25 (Public Law 112–81; 125 Stat. 1320), is amended by

1 striking “four fiscal years” and inserting “five fiscal  
2 years”.

3 **SEC. 123. EXTENSION OF MULTIYEAR PROCUREMENT AU-**  
4 **THORITY FOR F/A-18E, F/A-18F, AND EA-18G**  
5 **AIRCRAFT.**

6 Section 128 of the National Defense Authorization  
7 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
8 2217), as amended by Public Law 111–238 (124 Stat.  
9 2500), is amended by adding at the end the following new  
10 subsection:

11 “(f) EXTENSION OF MULTIYEAR AUTHORITY.—Not-  
12 withstanding section 2306b of title 10, United States  
13 Code, the Secretary of the Navy may modify a multiyear  
14 contract entered into under subsection (a) to add a fifth  
15 production year to such contract.”.

16 **SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22**  
17 **JOINT AIRCRAFT PROGRAM.**

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



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

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

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

19 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The  
 20 Secretary of the Navy may enter into a contract, begin-  
 21 ning in fiscal year 2013, for advance procurement associ-  
 22 ated with the vessels and systems for which authorization  
 23 to enter into a multiyear procurement contract is provided  
 24 under subsection (a).

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

7 **SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**  
 8 **GINIA-CLASS SUBMARINE PROGRAM.**

9 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

10 (1) IN GENERAL.—In accordance with section  
 11 2306b of title 10, United States Code, the Secretary  
 12 of the Navy may enter into a multiyear contract, be-  
 13 ginning with the fiscal year 2014 program year, for  
 14 the procurement of not more than 10 Virginia-class  
 15 submarines and Government-furnished equipment  
 16 associated with the Virginia-class submarine pro-  
 17 gram.

18 (2) USE OF INCREMENTAL FUNDING.—The  
 19 Secretary may use incremental funding with respect  
 20 to a contract entered into under paragraph (1).

21 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The  
 22 Secretary of the Navy may enter into a contract, begin-  
 23 ning in fiscal year 2013, for advance procurement associ-  
 24 ated with the vessels and systems for which authorization

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

3 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
4 MENTS.—A contract entered into under subsection (a)(1)  
5 shall provide that any obligation of the United States to  
6 make a payment under the contract for a fiscal year after  
7 fiscal year 2014 is subject to the availability of appropria-  
8 tions or funds for that purpose for such later fiscal year.

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

11 (a) REFUELING AND COMPLEX OVERHAUL.—Of the  
12 funds authorized to be appropriated or otherwise made  
13 available for fiscal year 2013 for shipbuilding and conver-  
14 sion, Navy, not more than \$1,613,392,000 may be obli-  
15 gated or expended for the commencement of the nuclear  
16 refueling and complex overhaul of the U.S.S. Abraham  
17 Lincoln (CVN-72) during such fiscal year. Such amount  
18 shall be the first increment in the two-year sequence of  
19 incremental funding planned for such nuclear refueling  
20 and complex overhaul.

21 (b) CONTRACT AUTHORITY.—The Secretary of the  
22 Navy may enter into a contract during fiscal year 2013  
23 for the nuclear refueling and complex overhaul of the  
24 U.S.S. Abraham Lincoln.

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

7 **SEC. 128. REPORT ON LITTORAL COMBAT SHIP DESIGNS.**

8 Not later than December 31, 2013, the Secretary of  
9 the Navy shall submit to the congressional defense com-  
10 mittees a report on the designs of the Littoral Combat  
11 Ship, including comparative cost and performance infor-  
12 mation for both designs of such ship.

13 **SEC. 129. COMPTROLLER GENERAL REVIEWS OF LITTORAL**  
14 **COMBAT SHIP PROGRAM.**

15 (a) ACCEPTANCE OF LCS.—

16 (1) IN GENERAL.—The Comptroller General of  
17 the United States shall conduct a review of the com-  
18 pliance of the Secretary of the Navy with part 246  
19 of title 48 of the Code of Federal Regulations and  
20 subpart 46.5 of the Federal Acquisition Regulation  
21 in accepting the LCS.

22 (2) MATTERS INCLUDED.—The review under  
23 paragraph (1) shall include a discussion of the  
24 knowledge of, and determinations by, the LCS pro-

1       gram office and contractors with respect to the fol-  
2       lowing:

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

6               (B) Chargeable equipment failures.

7               (C) Potential for engine failures or break-  
8               downs.

9               (D) Meeting key performance parameters,  
10              including speed.

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

13              (F) Review of water jet corrosion.

14              (G) Completeness of records to support ac-  
15              ceptance of the LCS.

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

18              (I) Security of the ship and systems, in-  
19              cluding any known lapses.

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

22              (K) Strategies for balancing cost, schedule,  
23              and performance trade-offs as required by sec-  
24              tion 201 of the Weapon Systems Acquisition

1           Reform Act of 2009 (Public Law 111–23; 123  
2           Stat. 1719).

3           (b) OPERATIONAL SUPPORT.—Not later than 180  
4 days after the date of the enactment of this Act, the  
5 Comptroller General shall submit to the congressional de-  
6 fense committees a report on the operational support and  
7 sustainment strategy for the Littoral Combat Ship pro-  
8 gram, including modernization and logistics support.

9           (c) COOPERATION.—For purposes of conducting the  
10 review under subsection (a)(1) and (b), the Secretary of  
11 Defense shall ensure that the Comptroller General has ac-  
12 cess to—

13           (1) all relevant records of the Department; and

14           (2) all relevant communications between De-  
15 partment officials, whether such communications oc-  
16 curred inside or outside the Federal Government.

17 **SEC. 130. SENSE OF CONGRESS ON IMPORTANCE OF ENGI-**  
18 **NEERING IN EARLY STAGES OF SHIP-**  
19 **BUILDING.**

20           It is the sense of Congress that—

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

24           (2) therefore, the Secretary of the Navy should  
25 take appropriate steps to prioritize early engineering

1 in large ship construction including amphibious class  
2 ships beginning with the LHA-8.

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

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

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

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

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

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

23 (5) the Department of the Navy has been un-  
24 able to meet even the minimal requirement of 33  
25 operationally available vessels and has submitted a

1 shipbuilding and ship retirement plan to the Con-  
2 gress which will reduce the force to 28 vessels; and

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

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

9 (1) the Navy should consider prioritization of  
10 investment in and procurement of the next genera-  
11 tion of amphibious assault ships;

12 (2) the next generation amphibious assault  
13 ships should maintain survivability protection level  
14 II in accordance with current Navy ship require-  
15 ments;

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

19 (4) maintaining a robust amphibious ship-  
20 building industrial base is vital for future national  
21 security.



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

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

(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 subsection (c).

(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”.

1 (b) REPORT.—

2 (1) IN GENERAL.—Not later than February 1,  
3 2013, the Commander of the United States Trans-  
4 portation Command shall submit to the congres-  
5 sional defense committees a report assessing the  
6 operational risk of meeting the steady-state and  
7 warfighting requirements of the commanders of the  
8 geographical combatant commands with respect to  
9 the Secretary of the Air Force maintaining an inven-  
10 tory of strategic airlift aircraft of less than 301 air-  
11 craft.

12 (2) MATTERS INCLUDED.—The report under  
13 paragraph (1) shall include a description and anal-  
14 ysis of the assumptions made by the Commander  
15 with respect to—

- 16 (A) aircraft usage rates;
- 17 (B) aircraft mission availability rates;
- 18 (C) aircraft mission capability rates;
- 19 (D) aircrew ratios;
- 20 (E) aircrew production;
- 21 (F) aircrew readiness rates; and
- 22 (G) any other assumption the Commander  
23 uses to develop such report.

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

4   **SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DI-**  
 5                   **VESTMENT OR RETIREMENT OF C-27J AIR-**  
 6                   **CRAFT.**

7           (a) IN GENERAL.—After fiscal year 2013, none of the  
 8   funds authorized to be appropriated by this Act or other-  
 9   wise made available for fiscal year 2013 for the Air Force  
 10   may be used to divest, retire, or transfer, or prepare to  
 11   divest, retire, or transfer, a C-27J aircraft until a period  
 12   of 180 days has elapsed following the date on which—

13           (1) the Director of the Congressional Budget  
 14   Office submits to the congressional defense commit-  
 15   tees the analysis conducted under subsection (b)(1);  
 16   and

17           (2) the reports under subsections (d)(2) and  
 18   (e)(2) of section 112 of the National Defense Au-  
 19   thorization Act for Fiscal Year 2012 (Public Law  
 20   112–81; 125 Stat. 1318) are submitted to the con-  
 21   gressional defense committees.

22           (b) LIFE-CYCLE COST ANALYSIS.—

23           (1) CBO.—The Director of the Congressional  
 24   Budget Office shall submit to the congressional de-  
 25   fense committees a 40-year life-cycle cost analysis of

1 C-27J aircraft, C-130H aircraft, and C-130J air-  
2 craft.

3 (2) MATTERS INCLUDED.—The life-cycle cost  
4 analysis conducted under paragraph (1) shall—

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

9 (B) assess the most cost-effective and mis-  
10 sion-effective manner for which C-27J aircraft  
11 could be affordably fielded by the Air National  
12 Guard, including by determining—

13 (i) the number of basing locations re-  
14 quired;

15 (ii) the number of authorized per-  
16 sonnel associated with a unit's manning  
17 document; and

18 (iii) the maintenance and sustainment  
19 strategy required; and

20 (C) outline any limiting factors regarding  
21 the analysis of C-27J aircraft with respect to  
22 cost assumptions used by the Director in such  
23 analysis and the actual costs incurred for air-  
24 craft fielded by the Air Force as of the date of  
25 the analysis.

1           (3) COOPERATION.—The Secretary of Defense  
2       shall provide the Director with any information, in-  
3       cluding original source documentation, the Director  
4       determines is required to promptly conduct the anal-  
5       ysis under paragraph (1).

6 **SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
7                   **TERMINATION OF C-130 AVIONICS MOD-**  
8                   **ERNIZATION PROGRAM.**

9       (a) IN GENERAL.—None of the funds authorized to  
10     be appropriated by this Act or otherwise made available  
11     for fiscal year 2013 for the Air Force may be used to ter-  
12     minate the C-130 avionics modernization program until  
13     a period of 180 days has elapsed after the date on which  
14     the Secretary of the Air Force submits to the congres-  
15     sional defense committees the cost-benefit analysis con-  
16     ducted under subsection (b)(1).

17       (b) COST-BENEFIT ANALYSIS.—

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

22           (A) Upgrading and modernizing the legacy  
23     C-130 airlift fleet using the C-130 avionics  
24     modernization program.

1 (B) Upgrading and modernizing the legacy  
 2 C-130 airlift fleet using a reduced scope pro-  
 3 gram for avionics and mission planning sys-  
 4 tems.

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

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

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

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

13 (B) the future costs associated with the  
 14 potential upgrades to avionics and mission sys-  
 15 tems that may be required in the future for leg-  
 16 acy C-130 aircraft to remain relevant and mis-  
 17 sion effective.

18 **SEC. 145. REVIEW OF C-130 FORCE STRUCTURE.**

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

21 (b) REPORT.—Not later than the date on which the  
 22 budget of the President is submitted to Congress under  
 23 section 1105(a) of title 31, United States Code, for fiscal  
 24 year 2014, the Secretary of the Air Force shall submit

1 to the congressional defense committees a report of the  
2 review under subsection (a), including—

3 (1) how the Secretary will determine which C–  
4 130 aircraft will be retired or relocated during fiscal  
5 years 2014 through 2018;

6 (2) a description of the methodologies under-  
7 lying such determinations, including the factors and  
8 assumptions that shaped the specific determinations;

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

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

16 (c) COMPTROLLER GENERAL REVIEW.—Not later  
17 than 60 days after the date on which the report is sub-  
18 mitted under subsection (b), the Comptroller General of  
19 the United States shall submit to the congressional de-  
20 fense committees a review of such report, including the  
21 costs and benefits of the planned retirements and reloca-  
22 tions described in such report.

1 **SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
2 **EVOLVED EXPENDABLE LAUNCH VEHICLE**  
3 **PROGRAM.**

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

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

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

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

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

23 (2) written certification that such strategy—

24 (A) maintains assured access to space;

25 (B) achieves substantial cost savings; and

26 (C) provides opportunities for competition.



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

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

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

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

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

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

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

20 (d) COMPTROLLER GENERAL.—

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

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

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

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

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

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

10 (1) The congressional defense committees.

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

14 **SEC. 147. PROCUREMENT OF SPACE-BASED INFRARED SYS-**  
 15 **TEMS.**

16 (a) CONTRACT AUTHORITY.—

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

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

24 (B) cost reduction initiatives.

1           (2) USE OF INCREMENTAL FUNDING.—With re-  
2       spect to a contract entered into under paragraph (1)  
3       for the procurement of space-based infrared systems,  
4       the Secretary may use incremental funding for a pe-  
5       riod not to exceed six fiscal years.

6           (3) LIABILITY.—A contract entered into under  
7       paragraph (1) shall provide that any obligation of  
8       the United States to make a payment under the con-  
9       tract is subject to the availability of appropriations  
10      for that purpose, and that the total liability to the  
11      Government for termination of any contract entered  
12      into shall be limited to the total amount of funding  
13      obligated at the time of termination.

14      (b) LIMITATION OF COSTS.—

15           (1) LIMITATION.—Except as provided by sub-  
16      section (c), and excluding amounts described in  
17      paragraph (2), the total amount obligated or ex-  
18      pended for the procurement of two space-based in-  
19      frared systems authorized by subsection (a) may not  
20      exceed \$3,900,000,000.

21           (2) EXCLUSION.—The amounts described in  
22      this paragraph are amounts associated with the fol-  
23      lowing:

24           (A) Plans.

25           (B) Technical data packages.

1 (C) Post-delivery and program support  
2 costs.

3 (D) Technical support for obsolescence  
4 studies.

5 (c) WAIVER AND ADJUSTMENT TO LIMITATION  
6 AMOUNT.—

7 (1) WAIVER.—In accordance with paragraph  
8 (2), the Secretary may waive the limitation in sub-  
9 section (b)(1) if the Secretary submits to the con-  
10 gressional defense committees written notification of  
11 the adjustment made to the amount set forth in  
12 such subsection.

13 (2) ADJUSTMENT.—Upon waiving the limita-  
14 tion under paragraph (1), the Secretary may adjust  
15 the amount set forth in subsection (b)(1) by the fol-  
16 lowing:

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

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

24 (C) The amounts of increases or decreases  
25 in costs of the satellites that are attributable to

1 insertion of new technology into a space-based  
2 infrared system, as compared to the technology  
3 built into such a system procured prior to fiscal  
4 year 2013, if the Secretary determines, and cer-  
5 tifies to the congressional defense committees,  
6 that insertion of the new technology is—

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

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

12 (d) REPORT.—Not later than 30 days after the date  
13 on which the Secretary awards a contract under sub-  
14 section (a), the Secretary shall submit to the congressional  
15 defense committees a report on such contract, including  
16 the following:

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

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

21 (3) The total contract value.

22 (4) The funding profile by year.

23 (5) The terms of the contract regarding the  
24 treatment of changes by the Federal Government to

1 the requirements of the contract, including how any  
2 such changes may affect the success of the contract.

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

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

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

12 (C) the objectives for each such activity or  
13 subprogram and the criteria used by the Sec-  
14 retary to determine which such activity or sub-  
15 program to fund;

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

19 (E) the process for determining how and  
20 when such activities and subprograms would  
21 transition to an existing program or be estab-  
22 lished as a new program of record.

1     **Subtitle E—Joint and Multiservice**  
2                     **Matters**

3     **SEC. 151. REQUIREMENT TO SET F-35 AIRCRAFT INITIAL**  
4                     **OPERATIONAL CAPABILITY DATES.**

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

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

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

12            (b) F-35B AND F-35C.—Not later than December  
13     31, 2012, the Secretary of the Navy shall—

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

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

19     **SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**  
20                     **TIREMENT OF RQ-4 GLOBAL HAWK UN-**  
21                     **MANNED AIRCRAFT SYSTEMS.**

22             (a) LIMITATION.—None of the funds authorized to  
23     be appropriated by this Act or otherwise made available  
24     for fiscal year 2013 for the Department of Defense may  
25     be obligated or expended to retire, prepare to retire, or

1 place in storage an RQ-4 Block 30 Global Hawk un-  
 2 manned aircraft system.

3 (b) MAINTAINED LEVELS.—During the period pre-  
 4 ceding December 31, 2014, in supporting the operational  
 5 requirements of the combatant commands, the Secretary  
 6 of the Air Force shall maintain the operational capability  
 7 of each RQ-4 Block 30 Global Hawk unmanned aircraft  
 8 system belonging to the Air Force or delivered to the Air  
 9 Force during such period.

10 **SEC. 153. COMMON DATA LINK FOR MANNED AND UN-**  
 11 **MANNED INTELLIGENCE, SURVEILLANCE,**  
 12 **AND RECONNAISSANCE SYSTEMS.**

13 Section 141 of the National Defense Authorization  
 14 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
 15 3164), as amended by section 143 of the National Defense  
 16 Authorization Act for Fiscal Year 2010 (Public Law 111–  
 17 84; 123 Stat. 2223), is amended by adding at the end  
 18 the following new subsection:

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

22 “(1) complies with the most recently issued  
 23 common data link specification standard of the De-  
 24 partment of Defense as of the date of the solicita-  
 25 tion; and



1 “(2) does not include any proprietary or un-  
 2 documented interface or waveform as a requirement  
 3 or criterion for evaluation.”.

## 4 **TITLE II—RESEARCH, DEVELOP-** 5 **MENT, TEST, AND EVALUA-** 6 **TION**

### 7 **Subtitle A—Authorization of** 8 **Appropriations**

#### 9 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

### 14 **Subtitle B—Program Require-** 15 **ments, Restrictions, and Limita-** 16 **tions**

#### 17 **SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOMB-** 18 **ER AIRCRAFT NUCLEAR CERTIFICATION RE-** 19 **QUIREMENT.**

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

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

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

3 **SEC. 212. UNMANNED COMBAT AIR SYSTEM.**

4           The Secretary of the Navy shall—

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

8           (2) preserve a competitive acquisition environ-  
9           ment for the Unmanned Carrier-launched Surveil-  
10          lance and Strike system program.

11 **SEC. 213. EXTENSION OF LIMITATION ON AVAILABILITY OF**  
12 **FUNDS FOR UNMANNED CARRIER-LAUNCHED**  
13 **SURVEILLANCE AND STRIKE SYSTEM PRO-**  
14 **GRAM.**

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

20          (b) TECHNOLOGY DEVELOPMENT PHASE.—Such sec-  
21 tion is further amended by adding at the end the following  
22 new subsection:

23          “(d) TECHNOLOGY DEVELOPMENT AND CRITICAL  
24 DESIGN PHASES.—

8                   “(2) CRITICAL DESIGN REVIEW.—The Un-  
9                   manned Carrier-launched Surveillance and Strike  
10                  system program may not achieve the critical design  
11                  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”.

17 SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR FU-  
18 TURE MANNED GROUND MOVING TARGET IN-  
19 DICATOR CAPABILITY OF THE AIR FORCE.

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1 Force with a manned ground moving target indicator ca-  
2 pability or manned dismount moving target indicator ca-  
3 pability until a period of 90 days has elapsed following  
4 the date on which the Secretary of the Air Force submits  
5 the report under subsection (b)(1).

6 (b) REPORT.—

7 (1) IN GENERAL.—The Secretary of the Air  
8 Force shall submit to the congressional defense com-  
9 mittees a report on the plan of the future manned  
10 ground moving target and manned dismount moving  
11 target indicator capabilities of the Air Force.

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

14 (A) The plan to maintain onboard com-  
15 mand and control capability that is equal to or  
16 better than such capability provided by the E-  
17 8C joint surveillance target attack radar pro-  
18 gram.

19 (B) Each analysis of alternatives com-  
20 pleted during fiscal year 2012 regarding future  
21 manned ground moving target indicator capa-  
22 bility or manned dismount moving target indi-  
23 cator capability.

1 (C) With respect to each new program  
2 analyzed in an analysis of alternatives described  
3 in subparagraph (B)—

4 (i) the development, procurement, and  
5 sustainment cost estimates for such pro-  
6 gram; and

7 (ii) a description of how such program  
8 will affect the potential growth of future  
9 manned ground moving target indicator  
10 capability or manned dismount moving tar-  
11 get indicator capability.

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

15 (i) derived from commercial aircraft;

16 and

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

19 (E) The plan by the Secretary of Defense  
20 to retire or replace E-8C joint surveillance tar-  
21 get attack radar aircraft.

22 (F) Any other matter the Secretary con-  
23 siders appropriate.

24 (c) WAIVER.—The Secretary may waive the limita-  
25 tion in subsection (a) if the Secretary—

- 1           (1) determines that such waiver is required to  
2           meet an urgent operational need or other emergency  
3           contingency requirement directly related to ongoing  
4           combat operations; and
- 5           (2) notifies the congressional defense commit-  
6           tees of such determination.

7   **SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
8                   **MILESTONE A ACTIVITIES FOR THE MQ-18**  
9                   **UNMANNED AIRCRAFT SYSTEM.**

10       (a) **LIMITATION.**—None of the funds authorized to  
11       be appropriated by this Act or otherwise made available  
12       for fiscal year 2013 for research, development, test, and  
13       evaluation, Army, may be obligated or expended for Mile-  
14       stone A activities with respect to the MQ-18 medium-  
15       range multi-purpose vertical take-off and landing un-  
16       manned aircraft system until—

17           (1) the Chairman of the Joint Requirements  
18       Oversight Council certifies in writing to the appro-  
19       priate congressional committees that—

20           (A) such system is required to meet a ca-  
21       pability in the manned and unmanned medium-  
22       altitude intelligence, surveillance, and recon-  
23       naissance force structure of the Department of  
24       Defense; and

1 (B) an existing unmanned aircraft system  
2 cannot meet such capability or be modified to  
3 meet such capability; and

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

7 (b) DEFINITIONS.—In this section:

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

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

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

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

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

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

24 (C) technology development.

1 **SEC. 216. VERTICAL LIFT PLATFORM TECHNOLOGY DEM-**  
2 **ONSTRATIONS.**

3 (a) IN GENERAL.—Of the funds authorized to be ap-  
4 propriated by this Act or otherwise made available for fis-  
5 cal year 2013 for joint capability technology demonstra-  
6 tions, the Under Secretary of Defense for Acquisition,  
7 Technology, and Logistics may obligate or expend not  
8 more than \$5,000,000 to carry out a program to develop  
9 and flight-demonstrate vertical lift platform technologies  
10 that address the capability gaps described in the Future  
11 Vertical Lift Strategic Plan of the Department of Defense  
12 submitted to Congress in August 2010.

13 (b) GOALS AND OBJECTIVES.—The Under Secretary  
14 shall ensure that the program under subsection (a) has  
15 the following goals and objectives:

16 (1) To develop innovative vertical lift platform  
17 technologies that address capability gaps in speed,  
18 range, ceiling, survivability, reliability, and afford-  
19 ability applicable to both current and future rotor-  
20 craft of the Department of Defense.

21 (2) To flight-demonstrate such vertical lift tech-  
22 nologies no later than 2016.

23 (3) To accelerate the development and transi-  
24 tion of innovative vertical lift technologies by pro-  
25 moting the formation of competitive teams of small



1 business working in collaboration with large contrac-  
2 tors and academia.

3 **Subtitle C—Missile Defense**  
4 **Programs**

5 **SEC. 221. PROCUREMENT OF AN/TPY-2 RADARS.**

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

8 (b) REPORT.—The Secretary of Defense shall submit  
9 to the congressional defense committees a report on the  
10 feasibility of developing an AN/TPY-2 radar on a rota-  
11 tional table to allow the radar to quickly change directions.

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

13 Not later than 180 days after the date of the enact-  
14 ment of this Act, the Director of the Missile Defense  
15 Agency shall submit to the congressional defense commit-  
16 tees a report that includes—

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

21 (2) a description of the technology of and con-  
22 cept behind applying the former multiple kill vehicle  
23 concept to the new vehicle described in paragraph  
24 (1).

1 **SEC. 223. MISSILE DEFENSE SITE ON THE EAST COAST.**

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

6 (b) CONSIDERATION OF LOCATION.—

7 (1) STUDY.—Not later than December 31,  
8 2013, the Secretary of Defense shall conduct a study  
9 evaluating three possible locations selected by the  
10 Director of the Missile Defense Agency for a covered  
11 missile defense site on the East Coast of the United  
12 States.

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

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

21 (A) take into consideration—

22 (i) the strategic location of the pro-  
23 posed site; and

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

26 (B) give priority to a proposed site that—

- 1 (i) is operated or supported by the
- 2 Department of Defense;
- 3 (ii) lacks encroachment issues; and
- 4 (iii) has a controlled airspace.

5 (c) PLAN.—

6 (1) IN GENERAL.—The Director of the Missile  
7 Defense Agency shall develop a plan to deploy an  
8 appropriate missile defense interceptor for a missile  
9 defense site on the East Coast.

10 (2) MATTERS INCLUDED.—In developing the  
11 plan under paragraph (1), the Director shall evalu-  
12 ate the use of—

13 (A) two- or three-stage ground-based inter-  
14 ceptors; and

15 (B) standard missile—3 interceptors, in-  
16 cluding block IA, block IB, and for a later de-  
17 ployment, block IIA or block IIB interceptors.

18 (3) SUBMISSION.—The Director shall submit to  
19 the President the plan under paragraph (1) for in-  
20 clusion with the budget materials submitted to Con-  
21 gress under section 1105(a) of title 31, United  
22 States Code, for fiscal year 2014.

23 (4) FUNDING.—Of the funds authorized to be  
24 appropriated by this Act or otherwise made available  
25 for fiscal year 2013 for the Missile Defense Agency,

1       \$100,000,000 may be obligated or expended to carry  
2       out the plan developed under paragraph (1) after a  
3       period of 30 days has elapsed following the date on  
4       which the congressional defense committees receive  
5       the plan pursuant to paragraph (3).

6       (d) COVERED MISSILE DEFENSE SITE.—In this sec-  
7       tion, the term “covered missile defense site” means a mis-  
8       sile defense site that uses—

9               (1) ground-based interceptors; or

10              (2) standard missile—3 interceptors.

11   **SEC. 224. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.**

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

18       (b) CERTAIN PROGRAMS OF THE GMD SYSTEM.—

19              (1) EKV.—The Secretary of Defense shall com-  
20       plete the refurbishment of the CE1 exoatmospheric  
21       kill vehicle-equipped ground-based interceptors.

22              (2) MF-1.—Of the funds authorized to be ap-  
23       propriated by this Act or otherwise made available  
24       for fiscal year 2013 for the ground-based midcourse  
25       defense system, not less than \$205,000,000 shall be

1 obligated or expended to upgrade Missile Field 1 at  
2 Fort Greely, Alaska.

3 **SEC. 225. GROUND-BASED MIDCOURSE DEFENSE INTER-**  
4 **CEPTOR TEST.**

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

10 **SEC. 226. DEPLOYMENT OF SM-3 IIB INTERCEPTORS ON**  
11 **LAND AND SEA.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that standard missile–3 block IIB interceptors  
14 should be deployable in both land-based and sea-based  
15 modes by the date on which such interceptors achieve ini-  
16 tial operating capability.

17 (b) LAND AND SEA MODES.—The Secretary of De-  
18 fense shall ensure that standard missile–3 block IIB inter-  
19 ceptors are deployable using both land-based and sea-  
20 based systems by the date on which such interceptors  
21 achieve initial operating capability.

22 (c) REPORT.—

23 (1) FORCE STRUCTURE.—Not later than 180  
24 days after the date of the enactment of this Act, the  
25 Secretary shall submit to the congressional defense

1 committees a report on how the deployment of  
2 standard missile–3 block IIB interceptors affects the  
3 force structure of the Navy.

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

6 (A) The implications for the force struc-  
7 ture of the Navy if standard missile–3 block  
8 IIB interceptors cannot fit in the standard  
9 vertical launching system configuration for the  
10 Aegis ballistic missile defense system, including  
11 the implications regarding—

12 (i) ship deployments;

13 (ii) cost; and

14 (iii) ability to respond to raids.

15 (B) An explanation for how standard mis-  
16 sile–3 block IIB interceptors would be used, at  
17 initial operating capability, for the defense of  
18 the United States from threats originating in  
19 the Pacific region if such interceptors are not  
20 deployable in a sea-based mode, including an  
21 explanation of cost and force structure require-  
22 ments.

23 **SEC. 227. IRON DOME SHORT-RANGE ROCKET DEFENSE**  
24 **PROGRAM.**

25 (a) AVAILABILITY OF FUNDS.—

1           (1) IN GENERAL.—Of the funds authorized to  
2       be appropriated by section 201 for research, develop-  
3       ment, test, and evaluation, Defense-wide, as speci-  
4       fied in the funding table in section 4201, or other-  
5       wise made available for the Department of Defense  
6       for fiscal years 2012 through 2015, the Secretary of  
7       Defense may provide up to \$680,000,000 to the  
8       Government of Israel for the procurement of addi-  
9       tional batteries and interceptors under the Iron  
10      Dome short-range rocket defense system and for re-  
11      lated operations and sustainment expenses.

12           (2) AVAILABILITY.—Funds made available for  
13      fiscal year 2012 or 2013 to carry out paragraph (1)  
14      are authorized to remain available until September  
15      30, 2014.

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

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

22           The Director of the Missile Defense Agency shall en-  
23      sure that the sea-based X-band radar is maintained in a  
24      status such that the radar may be deployed in less than  
25      14 days and for at least 60 days each year.

1 **SEC. 229. PROHIBITION ON THE USE OF FUNDS FOR THE**  
2 **MEADS PROGRAM.**

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

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

10 (a) LIMITATION.—Of the funds authorized to be ap-  
11 propriated by this Act or otherwise made available for fis-  
12 cal year 2013 for covered missile defense activities, not  
13 more than 75 percent may be obligated or expended  
14 until—

15 (1) the Secretary of Defense and the Secretary  
16 of State jointly submit to the appropriate congres-  
17 sional committees—

18 (A) a report on the cost-sharing arrange-  
19 ments for the phased, adaptive approach to  
20 missile defense in Europe; and

21 (B) written certification that a propor-  
22 tional share, as determined by the Secretaries,  
23 of the costs for such approach to missile de-  
24 fense will be provided by members of the North  
25 Atlantic Treaty Organization other than the  
26 United States; and



1 (2) the Secretary of Defense—

2 (A) submits a NATO prefinancing request  
3 for consideration of expenses regarding such  
4 approach to missile defense (excluding such ex-  
5 penses related to military construction de-  
6 scribed in section 2403(b)); and

7 (B) submits to the appropriate congres-  
8 sional committees the response by the NATO  
9 Secretary General or the North Atlantic Council  
10 to such request.

11 (b) WAIVER.—The President may waive the limita-  
12 tion in subsection (a) with respect to a specific project of  
13 a covered missile defense activity if the President submits  
14 to the appropriate congressional committees and the writ-  
15 ten certification that the waiver for such project is vital  
16 to the national security interests of the United States.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-  
19 mittees” means the following:

20 (A) The congressional defense committees.

21 (B) The Committee on Foreign Affairs of  
22 the House of Representatives and the Com-  
23 mittee on Foreign Relations of the Senate.

24 (2) The term “covered missile defense activi-  
25 ties” means, with respect to the phased, adaptive ap-

1       proach to missile defense in Europe, activities re-  
2       garding—

3               (A) Aegis ashore sites; or

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

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

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

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

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

18      (b) ANALYSIS OF ALTERNATIVES.—

19           (1) FFRDC.—The Director of the Missile De-  
20      fense Agency shall enter into an agreement with a  
21      federally funded research and development center  
22      that has not previously been involved with the preci-  
23      sion tracking space system to conduct an analysis of  
24      alternatives of such program.

1           (2) BASIS OF ANALYSIS.—The analysis under  
2 paragraph (1) shall be based on a clear articulation  
3 by the Director of—

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

7           (B) the number of satellites to be procured  
8 for a first constellation, including the projected  
9 lifetime of such satellites in the first constella-  
10 tion, and the number projected to be procured  
11 for a first and, if applicable, second replenish-  
12 ment;

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

15           (D) an evaluation of the technological ca-  
16 pability differences between the precision track-  
17 ing space system sensor and the space tracking  
18 and surveillance system sensor; and

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

23           (3) ANALYSIS.—In conducting the analysis  
24 under paragraph (1), the federally funded research  
25 and development center shall—

1           (A) appoint a panel of independent study  
2 leaders for such analysis;

3           (B) evaluate whether the precision tracking  
4 space system, as planned by the Director in the  
5 budget submitted to Congress under section  
6 1105 of title 31, United States Code, for fiscal  
7 year 2013, is the lowest cost sensor option with  
8 respect to land-, air-, or space-based sensors, or  
9 a combination thereof, to improve the homeland  
10 missile defense of the United States, including  
11 by adding discrimination capability to the  
12 ground-based midcourse defense system;

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

16          (D) determine how using the data de-  
17 scribed in subparagraph (C) could improve sen-  
18 sor coverage for the homeland missile defense of  
19 the United States and regional missile defense  
20 capabilities;

21          (E) study the plans of the Director to inte-  
22 grate the precision tracking space system con-  
23 cept into the ballistic missile defense system  
24 and evaluate the concept or operations of such  
25 use; and

1 (F) consider the agreement entered into  
2 under subsection (d)(1).

3 (4) COST DETERMINATION.—In determining  
4 costs under the analysis under paragraph (1), the  
5 federally funded research and development center  
6 shall take into account acquisition costs and oper-  
7 ation and sustainment costs during the initial ten-  
8 year and twenty-year periods.

9 (c) FURTHER LIMITATION.—

10 (1) SUBMITTAL AND WAIT.—Except as provided  
11 by paragraph (2), none of the funds authorized to  
12 be appropriated by this Act or otherwise made avail-  
13 able for fiscal year 2013 for the precision tracking  
14 space system may obligated or expended until—

15 (A) the Director submits to the congres-  
16 sional defense committees the analysis under  
17 subsection (b)(1); and

18 (B) a period of 60 days has elapsed fol-  
19 lowing the date of such submittal.

20 (2) EXCEPTION.—The limitation in paragraph  
21 (1) shall not apply to funds described in such para-  
22 graph that are obligated or expended for technology  
23 development activities.

24 (d) MEMORANDUM OF AGREEMENT.—

1           (1) IN GENERAL.—The Director shall enter into  
2           a memorandum of agreement with the Commander  
3           of the Air Force Space Command with respect to the  
4           space situational awareness capabilities, require-  
5           ments, design, and cost-sharing of the precision  
6           tracking space system.

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

10 **SEC. 232. PLAN TO IMPROVE DISCRIMINATION AND KILL**  
11 **ASSESSMENT CAPABILITY OF BALLISTIC MIS-**  
12 **SILE DEFENSE SYSTEMS.**

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

18       (b) SUBMISSION.—Not later than December 31,  
19 2012, the Director shall—

20           (1) transmit to the Secretary of Defense the  
21 plan under subsection (a) to be used in the budget  
22 materials submitted to the President by the Sec-  
23 retary in connection with the submission to Con-  
24 gress, pursuant to section 1105 of title 31, United  
25 States Code, of the budget for fiscal year 2014; and

1           (2) submit to the congressional defense commit-  
2       tees such plan.

3 **SEC. 233. PLAN TO INCREASE RATE OF FLIGHT TESTS OF**  
4 **GROUND-BASED MIDCOURSE DEFENSE SYS-**  
5 **TEM.**

6       (a) PLAN.—

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

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

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

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

20      (b) SUBMISSION.—Not later than December 31,  
21   2012, the Director shall—

22           (1) transmit to the Secretary of Defense the  
23      plan under subsection (a)(1) to be used in the budg-  
24      et materials submitted to the President by the Sec-  
25      retary in connection with the submission to Con-

1 gress, pursuant to section 1105 of title 31, United  
2 States Code, of the budget for fiscal year 2014; and  
3 (2) submit to the congressional defense commit-  
4 tees such plan.

5 **SEC. 234. REPORT ON REGIONAL MISSILE DEFENSE ARCHI-**  
6 **TECTURES.**

7 Not later than 90 days after the date of the enact-  
8 ment of this Act, the Secretary of Defense, in coordination  
9 with the Chairman of the Joint Chiefs of Staff, shall sub-  
10 mit to the congressional defense committees a report on—

11 (1) the regional missile defense architectures,  
12 including the force structure and inventory require-  
13 ments derived from such architectures; and

14 (2) the comprehensive force management proc-  
15 ess to evaluate such requirements, including the ca-  
16 pability, deployment, and resource outcomes that  
17 such process has determined.

18 **SEC. 235. USE OF FUNDS FOR CONVENTIONAL PROMPT**  
19 **GLOBAL STRIKE PROGRAM.**

20 The Secretary of Defense shall ensure that any funds  
21 authorized to be appropriated by this Act or otherwise  
22 made available for fiscal year 2013 for ground-testing ac-  
23 tivities of the conventional prompt global strike program  
24 are obligated or expended using competitive solicitation



1 procedures to involve industry as well as government part-  
2 ners.

3 **SEC. 236. TRANSFER OF AEGIS WEAPON SYSTEM EQUIP-**  
4 **MENT TO MISSILE DEFENSE AGENCY.**

5 (a) TRANSFER BY NAVY.—In accordance with section  
6 230, the Secretary of the Navy may—

7 (1) transfer to the Director of the Missile De-  
8 fense Agency Aegis weapon system equipment with  
9 ballistic missile defense capability for use by the Di-  
10 rector in the Aegis ashore site in the country the Di-  
11 rector has designated as “Host Nation 1”;

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

14 (A) obligate or expend unobligated funds  
15 made available for fiscal year 2012 for ship-  
16 building and conversion, Navy, for the DDG–51  
17 Destroyer to deliver complete, mission-ready  
18 Aegis weapon system equipment with ballistic  
19 missile defense capability to a DDG–51 De-  
20 stroyer for which funds were made available for  
21 fiscal year 2012 under shipbuilding and conver-  
22 sion, Navy; or

23 (B) use any Aegis weapon system equip-  
24 ment acquired using such funds to deliver com-  
25 plete, mission-ready Aegis weapon system

1 equipment with ballistic missile defense capa-  
 2 bility to a DDG–51 Destroyer for which funds  
 3 were made available for fiscal year 2012 under  
 4 shipbuilding and conversion, Navy; and

5 (3) treat equipment transferred to the Sec-  
 6 retary under subsection (b) as equipment acquired  
 7 using funds made available under shipbuilding and  
 8 conversion, Navy, for purposes of completing the  
 9 construction and outfitting of such equipment.

10 (b) TRANSFER BY MDA.—In accordance with section  
 11 230, upon the receipt of any equipment under subsection  
 12 (a), the Director of the Missile Defense Agency shall  
 13 transfer to the Secretary of the Navy Aegis weapon system  
 14 equipment with ballistic missile defense capability pro-  
 15 cured by the Director for installation in a shore-based  
 16 Aegis weapon system for use by the Secretary in the  
 17 DDG–51 Destroyer program.

## 18 **Subtitle D—Reports**

### 19 **SEC. 241. STUDY ON ELECTRONIC WARFARE CAPABILITIES** 20 **OF THE MARINE CORPS.**

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

24 (b) REPORT.—

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

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

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

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

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

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

17 **SEC. 242. NATIONAL RESEARCH COUNCIL REVIEW OF DE-**  
18 **FENSE SCIENCE AND TECHNICAL GRADUATE**  
19 **EDUCATION NEEDS.**

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

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

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

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

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

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

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

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

1           (7) recommendations for improving the ability  
2           of the Department of Defense to identify, manage,  
3           and source the graduate education needs of the De-  
4           partment.

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

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

11          (a) ASSESSMENT.—The Secretary of Defense shall  
12          conduct a comprehensive assessment regarding the manu-  
13          facturing capability of the United States to produce three-  
14          dimensional integrated circuits to serve the national de-  
15          fense interests of the United States.

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

18                (1) an assessment of the military requirements  
19                for using three-dimensional integrated circuits in fu-  
20                ture microelectronic systems;

21                (2) an assessment of the current domestic com-  
22                mercial capability to develop and manufacture three-  
23                dimensional integrated circuits for use in military  
24                systems, including a plan for alternative sources to

1 supply such circuits in case of shortages in the do-  
2 mestic supply;

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

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

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

22 (d) FORM.—The report under subsection (c) shall be  
23 submitted in unclassified form, but may include a classi-  
24 fied annex.

1 **SEC. 244. REPORT ON EFFORTS TO FIELD NEW DIRECTED**  
2 **ENERGY WEAPONS.**

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

11 (b) MATTERS INCLUDED.—The report under sub-  
12 section (a) shall include the following:

13 (1) Thorough assessments of—

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

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

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

25 (D) the status of and prognosis for foreign  
26 directed energy programs;

1 (E) the potential vulnerabilities of military  
2 systems of the United States to foreign directed  
3 energy weapons and efforts by the Secretary to  
4 mitigate such vulnerabilities; and

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

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

11 (A) the Department of the Navy should be  
12 designated as lead service for fielding a 100 to  
13 200 kilowatt-class laser to defend surface ships  
14 against unmanned aircraft, cruise missile, and  
15 fast attack craft threats; and

16 (B) the Secretary of the Navy should ini-  
17 tiate a program of record to begin fielding a  
18 ship-based solid-state laser weapon system.

19 (3) In light of the potential effectiveness of  
20 high-power microwave weapons against sensors, bat-  
21 tle management, and integrated air defense net-  
22 works, whether—

23 (A) the Department of the Navy and the  
24 Department of the Air Force should be des-  
25 ignated as lead services for integrating high-



1 power microwave weapons on small air vehicles,  
2 including cruise missiles and unmanned air-  
3 craft; and

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

8 (4) In light of the potential of mature chemical  
9 laser technologies to counter air and ballistic missile  
10 threats from relocatable fixed sites, whether the Sec-  
11 retary of the Army should initiate a program of  
12 record to develop and field a multi-megawatt class  
13 chemical laser weapon system to defend forward air-  
14 fields, ports, and other theater bases critical to fu-  
15 ture operations.

16 (5) Whether the investments by the Secretary  
17 of Defense in high-energy laser weapons research,  
18 development, test, and evaluation are appropriately  
19 prioritized across each military department and de-  
20 fense-wide accounts to support the weaponization of  
21 mature and maturing directed energy technologies  
22 during the five- to- ten-year period beginning on the  
23 date of the report, including whether sufficient funds  
24 are allocated within budget area 4 and higher ac-

1 counts to prepare for near term weaponization op-  
2 portunities.

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

5 **SEC. 245. REPORT ON AIR FORCE CYBER OPERATIONS.**

6 Not later than 180 days after the date of the enact-  
7 ment of this Act, the Secretary of Defense shall submit  
8 to the congressional defense committees a study of Air  
9 Force cyber operations research, science, and technology.  
10 The report shall include following:

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

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

21 (3) The anticipated role of each of the installa-  
22 tions of the Air Force Research Laboratory with re-  
23 spect to cybersecurity research and development and  
24 operational support during each year covered by  
25 such future-years defense program.

1           (4) The resources, including both personnel and  
2           funding, that are projected to support the Air Force  
3           Research Laboratory in fulfilling such roles.

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

9           (6) The plan of the Secretary of the Air Force  
10          to integrate cyber operations into military oper-  
11          ations.

12          (7) The ways in which the Secretary is recruit-  
13          ing and retaining scientists and engineers at the Air  
14          Force Research Laboratory involved with cyber oper-  
15          ations research, including the use of the authorities  
16          granted under the laboratory demonstration pro-  
17          gram established by Section 342 of the National De-  
18          fense Authorization Act for Fiscal Year 1995 and  
19          section 1114 of the National Defense Authorization  
20          Act for Fiscal Year 2001.

21          (8) Efforts to coordinate science and technology  
22          cyber activities of the Air Force Research Labora-  
23          tory with other Air Force organizations, including  
24          the Air Force Institute of Technology and the Air

1 Force Institute of Technology Center for Cyberspace  
2 Research.

3 (9) The potential benefit to the Air Force for  
4 collaboration with private industry and the develop-  
5 ment of cyber security technology clusters.

## 6 **Subtitle E—Other Matters**

### 7 **SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE** 8 **LABORATORIES TO ENTER INTO EDU-** 9 **CATIONAL PARTNERSHIPS WITH EDU-** 10 **CATIONAL INSTITUTIONS IN TERRITORIES** 11 **AND POSSESSIONS OF THE UNITED STATES.**

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

16 “(3) The term ‘United States’ includes the  
17 Commonwealth of Puerto Rico, the Commonwealth  
18 of the Northern Mariana Islands, and any other ter-  
19 ritory or possession of the United States.”.

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

### 23 **SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**

24 (a) DEVELOPMENT OF INNOVATIVE ADVANCED  
25 TECHNOLOGIES.—The Secretary of Defense may use the

1 research and engineering network of the Department of  
2 Defense, including the organic industrial base, to support  
3 regional advanced technology clusters established by the  
4 Secretary of Commerce to encourage the development of  
5 innovative advanced technologies, including advanced ro-  
6 botics, advanced defense systems, power and energy inno-  
7 vations, systems to mitigate manmade and naturally oc-  
8 ccurring electromagnetic pulse or high-powered micro-  
9 waves, cybersecurity and applied lightweight materials, to  
10 address national security and homeland defense chal-  
11 lenges.

12 (b) DESIGNATION OF LEAD OFFICE.—Not later than  
13 60 days after the date of the enactment of this Act, the  
14 Under Secretary of Defense for Acquisition, Technology,  
15 and Logistics shall—

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

20 (2) notify the appropriate congressional com-  
21 mittees of such designation.

22 (c) REPORT.—Not later than 180 days after the date  
23 of the enactment of this Act, the Under Secretary shall  
24 submit to the appropriate congressional committees a re-  
25 port describing—

1           (1) the participation of the Department of De-  
2       fense in regional advanced technology clusters;

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

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

9       (d) COLLABORATION.—The Secretary of Defense  
10   may meet, collaborate, and share resources with other  
11   Federal agencies for purposes of assisting in the expansion  
12   of regional advanced technology clusters under this sec-  
13   tion.

14       (e) DEFINITIONS.—In this section:

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

17               (A) the congressional defense committees;

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

20               (C) the Committee on Energy and Com-  
21       merce of the House of Representatives.

22           (2) The term “regional advanced technology  
23       clusters” means geographic centers focused on build-  
24       ing science and technology-based innovation capacity

1 in areas of local and regional strength to foster eco-  
2 nomic growth and improve quality of life.

3 **SEC. 253. BRIEFING ON POWER AND ENERGY RESEARCH**  
4 **CONDUCTED AT UNIVERSITY AFFILIATED RE-**  
5 **SEARCH CENTER.**

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

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

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

18 (A) lighting;

19 (B) heating;

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

22 (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. EN-  
TERPRISE.**

(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           (1) IN GENERAL.—Subject to the availability of  
 2           funds under subsection (a) and the condition in  
 3           paragraph (2), the Secretary of the Navy may enter  
 4           into a contract during fiscal year 2013 for the inac-  
 5           tivation execution of the U.S.S. Enterprise.

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

## 13                           **Subtitle B—Energy and** 14                           **Environmental Provisions**

### 15   **SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND** 16                           **TRAINING RANGE INVENTORY.**

17          Section 366 of the Bob Stump National Defense Au-  
 18          thorization Act for Fiscal Year 2003 (Public Law 107–  
 19          314; 116 Stat. 2522; 10 U.S.C. 113 note), as most re-  
 20          cently amended by section 348 of the John Warner Na-  
 21          tional Defense Authorization Act for Fiscal Year 2007  
 22          (Public Law 109–364; 120 Stat. 2159) is amended in sub-  
 23          sections (a)(5) and (c)(2), by striking “fiscal years 2005  
 24          through 2013” and inserting “fiscal years 2005 through  
 25          2018”.

1 **SEC. 312. MODIFICATION OF DEFINITION OF CHEMICAL**  
2 **SUBSTANCE.**

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

8 **SEC. 313. EXEMPTION OF DEPARTMENT OF DEFENSE FROM**  
9 **ALTERNATIVE FUEL PROCUREMENT RE-**  
10 **QUIREMENT.**

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

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

17 (a) LIMITATION.—Except as provided in subsection  
18 (b), none of the funds authorized to be appropriated by  
19 this Act or otherwise made available during fiscal year  
20 2013 for the Department of Defense may be obligated or  
21 expended for the production or purchase of any alternative  
22 fuel if the cost of producing or purchasing the alternative  
23 fuel exceeds the cost of producing or purchasing a tradi-  
24 tional fossil fuel that would be used for the same purpose  
25 as the alternative fuel.

1 (b) EXCEPTION.—Notwithstanding subsection (a),  
2 the Secretary of Defense may purchase such limited quan-  
3 tities of alternative fuels as are necessary to complete fleet  
4 certification for 50/50 blends. In such instances, the Sec-  
5 retary shall purchase such alternative fuel using competi-  
6 tive procedures and ensure the best purchase price for the  
7 fuel.

8 **SEC. 315. PLAN ON ENVIRONMENTAL EXPOSURES TO MEM-**  
9 **BERS OF THE ARMED FORCES.**

10 (a) PLAN.—Not later than 150 days after the date  
11 of the enactment of this Act, the Secretary of Defense  
12 shall develop a plan on the time line of the Secretary to  
13 develop a material solution to measure environmental ex-  
14 posures to members of the Armed Forces in the conti-  
15 nental United States and outside the continental United  
16 States.

17 (b) MATTERS INCLUDED.—The plan under sub-  
18 section (a) shall include the following:

19 (1) A time line for identifying relevant materiel  
20 solutions that would facilitate the Secretary identi-  
21 fying members of the Armed Forces who have indi-  
22 vidual exposures to environmental hazards.

23 (2) A time line, and estimated cost, of devel-  
24 oping and deploying the material solution described  
25 in paragraph (1).

1           (3) A system for collecting and maintaining ex-  
2       posure data and a description of the content re-  
3       quired.

4           (4) An identification of the categories of envi-  
5       ronmental exposures that will be tracked, including  
6       burn pits, dust or sand, water contamination, haz-  
7       ardous materials, and waste.

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

11          (6) A status report on the sharing of environ-  
12      mental exposure data with the Secretary of Veterans  
13      Affairs on an ongoing and regular basis for use in  
14      medical and treatment records of veterans, including  
15      using such data in determining the service-connect-  
16      edness of health conditions and in identifying the  
17      possible origins and causes of disease.

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

22      **SEC. 316. SOUTHERN SEA OTTER MILITARY READINESS**  
23                                      **AREAS.**

24      (a) ESTABLISHMENT OF THE SOUTHERN SEA OTTER  
25      MILITARY READINESS AREAS.—Chapter 136 of title 10,

1 United States Code, is amended by adding at the end the  
2 following new section:

3 **“§ 2283. Establishment of the Southern Sea Otter**  
4 **Military Readiness Areas**

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

9 “(1) The area that includes Naval Base Ven-  
10 tura County, San Nicolas Island, and Begg Rock  
11 and the adjacent and surrounding waters within the  
12 following coordinates:

13 “N. Latitude/W. Longitude

14 “33°27.8′/119°34.3′

15 “33°20.5′/119°15.5′

16 “33°13.5′/119°11.8′

17 “33°06.5′/119°15.3′

18 “33°02.8′/119°26.8′

19 “33°08.8′/119°46.3′

20 “33°17.2′/119°56.9′

21 “33°30.9′/119°54.2′.

22 “(2) The area that includes Naval Base Coro-  
23 nado, San Clemente Island and the adjacent and  
24 surrounding waters running parallel to shore to 3  
25 nautical miles from the high tide line, as designated

1 by part 165 of title 33, Code of Federal Regulations,  
2 on May 20, 2010, as the San Clemente Island 3NM  
3 Safety Zone.

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

7 “Latitude/W. Longitude

8 “33°26.6′/117°38.9′

9 “33°21.3′/117°45.8′

10 “32°56.2′/117°39.7′

11 “33°6.5′/117°28.5′

12 “33°10.2′/117°23.7′

13 “33°11.8′/117°23.2′

14 “33°26.6′/117°38.9′.

15 “(b) ACTIVITIES WITHIN THE SOUTHERN SEA  
16 OTTER MILITARY READINESS AREAS.—

17 “(1) INCIDENTAL TAKINGS UNDER ENDAN-  
18 GERED SPECIES ACT OF 1973.—Sections 4 and 9 of  
19 the Endangered Species Act of 1973 (16 U.S.C.  
20 1533, 1538) shall not apply with respect to the inci-  
21 dental taking of any southern sea otter in the South-  
22 ern Sea Otter Military Readiness Areas in the  
23 course of conducting a military readiness activity.

24 “(2) INCIDENTAL TAKINGS UNDER MARINE  
25 MAMMAL PROTECTION ACT OF 1972.—Sections 101

1       and 102 of the Marine Mammal Protection Act of  
2       1972 (16 U.S.C. 1371, 1372) shall not apply with  
3       respect to the incidental taking of any southern sea  
4       otter in the Southern Sea Otter Military Readiness  
5       Areas in the course of conducting military readiness  
6       activities.

7               “(3) TREATMENT AS SPECIES PROPOSED TO BE  
8       LISTED.—For purposes of any military readiness ac-  
9       tivity, any southern sea otter while within the South-  
10      ern Sea Otter Military Readiness Areas shall be  
11      treated for the purposes of section 7 of the Endan-  
12      gered Species Act of 1973 (16 U.S.C. 1536) as a  
13      member of a species that is proposed to be listed as  
14      an endangered species or a threatened species under  
15      section 4 of the Endangered Species Act of 1973 (16  
16      U.S.C. 1533).

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

22              “(d) REVISION OR TERMINATION OF EXCEPTIONS.—  
23      The Secretary of the Interior may revise or terminate the  
24      application of subsection (b) if the Secretary of the Inte-  
25      rior, in consultation with, and with the concurrence of, the

1 Secretary of the Navy, determines that military activities  
2 occurring in the Southern Sea Otter Military Readiness  
3 Areas are substantially impeding southern sea otter con-  
4 servation or the return of southern sea otters to optimum  
5 sustainable population levels.

6 “(e) MONITORING.—

7 “(1) IN GENERAL.—The Secretary of the Navy,  
8 in consultation and in cooperation with the Sec-  
9 retary of the Interior, shall monitor the Southern  
10 Sea Otter Military Readiness Areas not less often  
11 than every year to evaluate the status of the south-  
12 ern sea otter population.

13 “(2) REPORTS.—Within 18 months after the ef-  
14 fective date of this section and every three years  
15 thereafter, the Secretaries of the Navy and the Inte-  
16 rior shall jointly report to Congress and the public  
17 on monitoring undertaken pursuant to paragraph  
18 (1).

19 “(f) DEFINITIONS.—In this section:

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

24 “(2) The term ‘optimum sustainable population’  
25 means, with respect to any population stock, the



1 number of animals that will result in the maximum  
2 productivity of the population or the species, keeping  
3 in mind the carrying capacity of the habitat and the  
4 health of the ecosystem of which they form a con-  
5 stituent element.

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

8 “(4) The term ‘take’—

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

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

18 “(5) The term ‘military readiness activity’ has  
19 the meaning given that term in section 315(f) of the  
20 Bob Stump National Defense Authorization Act for  
21 Fiscal Year 2003 (Public Law 107–314; 16 U.S.C.  
22 703 note), and includes all training and operations  
23 of the Armed Forces that relate to combat, and the  
24 adequate and realistic testing of military equipment,

1 vehicles, weapons, and sensors for proper operation  
 2 and suitability for combat use.”.

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

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

6 (c) CONSERVATION AND MANAGEMENT ACTIONS.—  
 7 Section 1 of Public Law 99–625 (16 U.S.C. 1536 note)  
 8 is amended by adding at the end the following:

9 “(g) CONSERVATION AND MANAGEMENT ACTIONS.—  
 10 If the Secretary issues a final rule ending the management  
 11 plan authorized under subsection (b) through the termi-  
 12 nation of the regulations implementing such plan—

13 “(1) the Secretary, in planning and imple-  
 14 menting recovery and conservation measures under  
 15 the Act to allow for the expansion of the range of  
 16 the population of the sea otter, shall coordinate and  
 17 cooperate with—

18 “(A) the Secretary of the Navy;

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

22 “(C) the State of California to assist the  
 23 State in continuing viable commercial harvest of  
 24 State fisheries; and

1 “(2) interaction with sea otters in the course of  
 2 engaging in fishing in any State fishery south of  
 3 Point Conception, California, under an authorization  
 4 issued by the State of California shall not be treated  
 5 as a violation of section 9 of the Act for incidental  
 6 take or of the Marine Mammal Protection Act of  
 7 1972.”.

8 **SEC. 317. AUTHORITY OF SECRETARY OF A MILITARY DE-**  
 9 **PARTMENT TO ENTER INTO COOPERATIVE**  
 10 **AGREEMENTS WITH INDIAN TRIBES FOR**  
 11 **LAND MANAGEMENT ASSOCIATED WITH MILI-**  
 12 **TARY INSTALLATIONS AND STATE-OWNED**  
 13 **NATIONAL GUARD INSTALLATIONS.**

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

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

21 “(6) INDIAN TRIBE.—The term ‘Indian tribe’  
 22 means any Indian tribe, band, nation, or other orga-  
 23 nized group or community, including any Alaska Na-  
 24 tive village or regional or village corporation as de-  
 25 fined in or established pursuant to the Alaska Na-

1        tive Claims Settlement Act (43 U.S.C. 1601 et seq.),  
2        which is recognized as eligible for the special pro-  
3        grams and services provided by the United States to  
4        Indians because of their status as Indians.”.

5 **SEC. 318. SENSE OF CONGRESS REGARDING DECON-**  
6 **TAMINATION OF FORMER BOMBARDMENT**  
7 **AREA ON ISLAND OF CULEBRA, PUERTO**  
8 **RICO.**

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

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

22            (2) On April 25, 2011, the Governor of Puerto  
23        Rico formally requested by letter that the Secretary  
24        of Defense commence this study.

1           (3) On May 25, 2011, the Deputy Under Sec-  
2       retary of Defense for Installations and Environment  
3       acknowledged receipt of the Governor’s letter on be-  
4       half of the Secretary of Defense, and affirmed that  
5       the Department of Defense would conduct the study  
6       in accordance with such section 2815 and provide  
7       the final report to Congress no later than 270 days  
8       from the date of the Governor’s letter.

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

11          (5) Section 204(c) of the Military Construction  
12      Authorization Act, 1974 (Public Law 93–166; 87  
13      Stat. 668) stated that “the present bombardment  
14      area on the island of Culebra shall not be utilized  
15      for any purpose that would require decontamination  
16      at the expense of the United States.” The Depart-  
17      ment of Defense has interpreted this provision to  
18      constitute a permanent prohibition on the use of  
19      Federal funds in the area of Culebra referenced in  
20      such section to pay for decontamination and removal  
21      of unexploded ordnance, although it may be war-  
22      ranted to protect public health, public safety, and  
23      the environment.

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

1           (1) the Secretary of Defense should expedi-  
2           tiously submit to the Committees on Armed Services  
3           of the Senate and House of Representatives the final  
4           report prepared in accordance with section 2815 of  
5           the Ike Skelton National Defense Authorization Act  
6           for Fiscal Year 2011 (Public Law 111–383; 124  
7           Stat. 4464);

8           (2) if that report indicates that decontamina-  
9           tion and removal of unexploded ordnance in the por-  
10          tion of the former bombardment area on Culebra  
11          that was transferred to the government of Puerto  
12          Rico by quitclaim deed on August 11, 1982, could  
13          be conducted at reasonable cost to the Federal Gov-  
14          ernment, it is appropriate for Congress to amend  
15          section 204(c) of the Military Construction Author-  
16          ization Act, 1974 (Public Law 93–166; 87 Stat.  
17          668) to authorize such decontamination and removal  
18          of unexploded ordnance; and

19          (3) any removal of unexploded ordnance should  
20          be accomplished pursuant to the normal  
21          prioritization process established by the Department  
22          of Defense under the Military Munitions Response  
23          Program within the Defense Environmental Restora-  
24          tion Program.

## **Subtitle C—Logistics and Sustainment**

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

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 5013 note), as most recently amended by section 329 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67), is amended—

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

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

5 **SEC. 322. DEPOT-LEVEL MAINTENANCE AND REPAIR.**

6 (a) AMENDMENTS TO DEFINITION OF DEPOT-LEVEL  
7 MAINTENANCE AND REPAIR.—Section 2460 of title 10,  
8 United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) by inserting after “software” the fol-  
11 lowing: “during the course of a customary  
12 depot-level maintenance action”; and

13 (B) by striking “or the modification or re-  
14 build of end-items,” and inserting “retrofit,  
15 modification, upgrade, or rebuild of end items,  
16 components,”;

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

19 (3) in paragraph (2)(B), by striking “change  
20 events made to operational software, integration and  
21 testing” and inserting “and change events (including  
22 integration and testing) made to operational soft-  
23 ware”;

24 (4) in paragraph (2)(C), by striking the period  
25 and inserting “; and”; and



1           (5) by adding at the end the following new  
2 paragraph:

3           “(3) excludes—

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

7                 “(B) the procurement of major modifica-  
8 tions or upgrades designed to significantly im-  
9 prove the performance or safety of a weapon  
10 system or major end item.”.

11       (b) AMENDMENTS RELATING TO CORE DEPOT-  
12 LEVEL MAINTENANCE AND REPAIR CAPABILITIES.—

13           (1) ASSOCIATED CAPACITY.—Section  
14 2464(a)(3)(A) of title 10, United States Code, is  
15 amended by striking “and capacity required in para-  
16 graph (1)” and inserting “required in paragraph (1)  
17 and the associated capacity to maintain those capa-  
18 bilities in accordance with paragraph (2)”.

19           (2) DIRECT SUPPORT OF ASSOCIATED LOGIS-  
20 TICS CAPABILITIES.—Section 2464(a)(3)(B) of such  
21 title is amended by inserting “in direct support of  
22 depot-level maintenance and repair” after “associ-  
23 ated logistics capabilities”.

24           (3) TIME OF FIELDING.—Section 2464(a)(3) of  
25 such title is further amended by adding at the end

1 the following new sentence: “If a weapon system or  
2 item of military equipment does not have an offi-  
3 cially scheduled initial operational capability, the  
4 weapon system or item is considered fielded at the  
5 time when, as part of combined or individual oper-  
6 ation, it provides a warfighting capability, unless the  
7 Secretary waives this paragraph under subsection  
8 (b)(1)(A) based on a determination that the system  
9 or item is not an enduring element of the national  
10 defense strategy.”.

11 (3) REQUIREMENT TO NOTIFY CONGRESS BE-  
12 FORE ISSUANCE OF WAIVER.—Section 2464(b)(3) of  
13 such title is amended by striking “within 30 days of  
14 issuance” and inserting “at least 30 days before  
15 issuance of the waiver”.

16 (4) PROHIBITION ON DELEGATION OF CERTAIN  
17 WAIVER AUTHORITY.—Section 2464(b) of such title  
18 is amended by adding at the end the following new  
19 paragraph:

20 “(4) The authority of the Secretary of Defense to  
21 waive the requirement in subsection (a)(3) on the basis  
22 of a determination under paragraph (1)(A) or (1)(B) may  
23 not be delegated.”.

1           (5) EXCLUSION OF NUCLEAR AIRCRAFT CAR-  
2           RIERS AND SPECIAL ACCESS PROGRAMS.—Section  
3           2464 of such title is further amended—

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

7                   (B) by inserting after subsection (c) the  
8                   following new subsection (d):

9           “(d) EXCLUSION OF NUCLEAR AIRCRAFT CARRIERS  
10          AND SPECIAL ACCESS PROGRAMS.—(1) The requirement  
11          in subsection (a)(3) shall not apply to nuclear aircraft car-  
12          riers.

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

15           (6) ANNUAL SPECIAL ACCESS PROGRAM CORE  
16          CAPABILITY REVIEW.—Section 2464 of such title is  
17          further amended by adding at the end the following  
18          new subsection:

19          “(i) BIENNIAL SPECIAL ACCESS PROGRAM CORE CA-  
20          PABILITY REVIEW.—Notwithstanding the inapplicability  
21          of subsection (a)(3) to special access programs (as pro-  
22          vided in subsection (d)), the Secretary of Defense shall,  
23          not later than April 1 on each even-numbered year, con-  
24          duct a review of each special access program in existence  
25          during the two fiscal years preceding the fiscal year during

1 which the review is conducted to determine the core depot  
2 maintenance and repair capabilities required to provide a  
3 ready and controlled source of technical competence, and  
4 the resources that would be required to establish a core  
5 capability if it becomes necessary. The Secretary of De-  
6 fense shall include the results of such review in the form  
7 of a classified annex to the biennial core report required  
8 under subsection (f).”.

9 (7) AMENDMENTS FOR CONSISTENCY IN USE OF  
10 TERMS.—Section 2464 of such title is further  
11 amended—

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

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

21 (C) in subsection (e)(1), as redesignated by  
22 paragraph (5), by striking “a core depot-level  
23 maintenance and repair capability” and insert-  
24 ing “core depot-level maintenance and repair  
25 capabilities”.

1           (8)    CONFORMING    AMENDMENTS.—Section  
2    2464(b) of such title is further amended—

3                   (A) in paragraph (1)—

4                           (i) by striking subparagraph (B);

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

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

9                   (B) by striking paragraph (2); and

10                   (C) by redesignating paragraph (3) as  
11           paragraph (2) and in that paragraph by strik-  
12           ing “or (2)”.

13   **SEC. 323. SENSE OF CONGRESS REGARDING THE PERFORM-**  
14                   **ANCE OF COMMERCIALLY-AVAILABLE ACTIVI-**  
15                   **TIES BY DEPARTMENT OF DEFENSE CIVILIAN**  
16                   **EMPLOYEES.**

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

19                   (1) our Nation’s economic strength is charac-  
20           terized by individual freedom and the competitive  
21           enterprise system, and as such, the Federal Govern-  
22           ment should not compete with its citizens and pri-  
23           vate enterprise;

24                   (2) in recognition of this policy, the Govern-  
25           ment should rely on commercially available sources

1 to provide commercial products and services and  
2 should not start or carry on any activity to provide  
3 a commercial product or service if the product or  
4 service can be procured more economically from a  
5 commercial source;

6 (3) this policy conforms with Department of  
7 Defense Total Force Management procedures aimed  
8 at improving total manpower requirements, deter-  
9 minations, and planning to facilitate decisions re-  
10 garding which sector (military, civilian, or contractor  
11 personnel) should perform each requirement; and

12 (4) the Department of Defense should not con-  
13 vert the performance of any function from perform-  
14 ance by a contractor to performance by Department  
15 of Defense civilian employees unless the function is  
16 inherently governmental in nature or the conversion  
17 is necessary to comply with section 129a of title 10,  
18 United States Code, as amended by this Act.

19 (b) DEFINITION OF INHERENTLY GOVERN-  
20 MENTAL.—In this section, the term “inherently govern-  
21 mental” has the meaning given that term in section 5(2)  
22 of the Federal Activities Inventory Reform Act of 1998  
23 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501  
24 note).

## **Subtitle D—Readiness**

### **2 SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS** **3 WITH STATE AND LOCAL GOVERNMENTS.**

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

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

8 (2) by inserting after subsection (c) the fol-  
9 lowing new subsection:

10 “(c) INTERGOVERNMENTAL SUPPORT AGREEMENTS  
11 WITH STATE AND LOCAL GOVERNMENTS.—(1) The Sec-  
12 retary of the military department concerned may enter  
13 into an intergovernmental support agreement with a State  
14 or local government to provide, receive, or share installa-  
15 tion-support services when such an agreement—

16 “(A) serves the best interests of the military de-  
17 partment by enhancing mission effectiveness or cre-  
18 ating efficiencies or economies of scale, including by  
19 reducing costs;

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

23 “(C) otherwise provides a mutual benefit to the  
24 military department and the State or local govern-  
25 ment.

1       “(2) The authority provided by this subsection and  
2 limitations on its use are not intended to revoke, preclude,  
3 or otherwise interfere with existing or proposed mutual-  
4 aid agreements relating to police or fire protection services  
5 or other similar first responder agreements or arrange-  
6 ments.

7       “(3) Funds available to the Secretary of the military  
8 department concerned for installation support may be  
9 used to reimburse a State or local government for pro-  
10 viding installation-support services pursuant to an agree-  
11 ment under this subsection. Funds received by the Sec-  
12 retary as reimbursement for providing installation-support  
13 services pursuant to the agreement shall be credited to the  
14 appropriation or account charged with providing installa-  
15 tion support.”.

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

21               “(4) The term ‘installation-support services’  
22 means those services, supplies, resources, and sup-  
23 port provided typically by a local government, except  
24 that the term does not include or authorize police or  
25 fire protection services.”.



1 **SEC. 332. EXTENSION AND EXPANSION OF AUTHORITY TO**  
2 **PROVIDE ASSURED BUSINESS GUARANTEES**  
3 **TO CARRIERS PARTICIPATING IN CIVIL RE-**  
4 **SERVE AIR FLEET.**

5 (a) EXTENSION.—Subsection (k) of section 9515 of  
6 title 10, United States Code, is amended by striking “De-  
7 cember 31, 2015” and inserting “December 31, 2020”.

8 (b) APPLICATION TO ALL SEGMENTS OF CRAF.—  
9 Such section is further amended—

10 (1) in subsection (a)(3), by striking “pas-  
11 senger”; and

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

16 **SEC. 333. EXPANSION AND REAUTHORIZATION OF PILOT**  
17 **PROGRAM FOR AVAILABILITY OF WORKING-**  
18 **CAPITAL FUNDS FOR PRODUCT IMPROVE-**  
19 **MENTS.**

20 (a) EXPANSION.—Section 330 of the National De-  
21 fense Authorization Act for Fiscal Year 2008 (Public Law  
22 110–181; 122 Stat. 68) is amended—

23 (1) in subsection (a), by inserting “, the Sec-  
24 retary of the Navy, and the Secretary of the Air  
25 Force (in this section referred to as the ‘Secretary  
26 concerned’)” after “the Secretary of the Army”;

1 (2) in subsection (d)—

2 (A) by inserting “by the Secretary con-  
3 cerned” after “submitted”; and

4 (B) by inserting “by the Secretary con-  
5 cerned” after “used”; and

6 (3) in subsection (e)—

7 (A) in paragraph (1), by striking “the As-  
8 sistant Secretary of the Army for Acquisition,  
9 Logistics, and Technology, in consultation with  
10 the Assistant Secretary of the Army for Finan-  
11 cial Management and Comptroller,” and insert-  
12 ing “the Secretary concerned”; and

13 (B) in paragraph (2), by striking “the As-  
14 sistant Secretary of the Army for Acquisition,  
15 Logistics, and Technology” and inserting “the  
16 Secretary concerned”.

17 (b) COVERED PRODUCT IMPROVEMENTS.—Sub-  
18 section (b) of such section is amended—

19 (1) by inserting “retrofit, modernization, up-  
20 grade, or rebuild of a” before “component”; and

21 (2) by striking “reliability and maintainability”  
22 and inserting “reliability, availability, and maintain-  
23 ability”.

1 (c) LIMITATION ON CERTAIN PROJECTS.—Sub-  
 2 section (c)(1) of such section is amended by striking “per-  
 3 formance envelope” and inserting “capability”.

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

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

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

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

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

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

19 (a) IN GENERAL.—Chapter 5 of title 32, United  
 20 States Code, is amended by adding at the end the fol-  
 21 lowing new section:

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

24 “(a) CENTER AUTHORIZED.—The National Guard  
 25 Bureau may maintain a Center of Excellence for the Na-

1 tional Guard State Partnership Program (in this section  
2 referred to as the ‘Center’).

3 “(b) CENTER AUTHORITY AND PURPOSE.—If the  
4 Center is established, the Chief of the National Guard Bu-  
5 reau shall administer the Center to provide training oppor-  
6 tunities for units and members of the regular and reserve  
7 components for the purpose of improving the skills for  
8 such units and members when deployed to complete the  
9 mission of the State Partnership Program. The Center will  
10 provide accredited instruction in partnership with a uni-  
11 versity program and other internationally recognized insti-  
12 tutions.

13 “(c) CONDUCT OF CENTER.—The Chief of the Na-  
14 tional Guard Bureau may provide for the conduct of the  
15 Center in such State as the Chief considers appropriate.

16 “(d) PERSONS ELIGIBLE TO PARTICIPATE IN CEN-  
17 TER TRAINING.—(1) The Chief of the National Guard Bu-  
18 reau may recommend units and members of the National  
19 Guard to attend training at the Center under section  
20 502(f) of this title for not longer than the duration of the  
21 training.

22 “(2) The Secretaries of the Army, Navy, Air Force,  
23 and Marine Corps may detail units or members of their  
24 respective regular or reserve components to attend train-  
25 ing at the Center. The Secretary of Homeland Security

1 may detail members of the Coast Guard to attend training  
2 and provide subject matter expertise as requested.

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

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

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

18 “(3) Personnel of the National Guard of any State  
19 may serve on full-time National Guard duty for the pur-  
20 pose of providing command, administrative, training, or  
21 supporting services for the Center. For the performance  
22 of those services, any personnel may be ordered to duty  
23 under section 502(f) of this title.

1 “(4) Employees of the Departments of Defense may  
2 be detailed to the Center for the purpose of providing addi-  
3 tional training.

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

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

“510. Center for Excellence for the National Guard State Partnership Pro-  
gram.”.

11 **SEC. 335. CODIFICATION OF NATIONAL GUARD STATE**  
12 **PARTNERSHIP PROGRAM.**

13 (a) STATE PARTNERSHIP PROGRAM.—

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

17 **“§ 116. State Partnership Program**

18 “(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1)  
19 Funds appropriated to the Department of Defense, includ-  
20 ing for the Air and Army National Guard, shall be avail-  
21 able for the payment of costs to conduct activities under  
22 the State Partnership Program, whether inside the United  
23 States or outside the United States, for purposes as fol-  
24 lows:

1           “(A) To support the objectives of the com-  
2           mander of the combatant command for the theater  
3           of operations in which such contacts and activities  
4           are conducted.

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

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

10          “(D) To strengthen cooperation between the de-  
11          partments and agencies of the United States Gov-  
12          ernment and agencies of foreign governments to sup-  
13          port building of defense and security capacity.

14          “(E) To facilitate intergovernmental collabora-  
15          tion between the United States Government and for-  
16          eign governments in the areas of defense and secu-  
17          rity.

18          “(F) To facilitate and enhance the exchange of  
19          information between the United States Government  
20          and foreign governments on matters relating to de-  
21          fense and security.

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

24               “(A) Costs of pay and allowances of members  
25               of the National Guard.

1           “(B) Travel and necessary expenses of United  
2       States personnel outside of the Department of De-  
3       fense in the State Partnership Program.

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

7       “(b) LIMITATIONS.—(1) Funds shall not be available  
8       under subsection (a) for activities described in that sub-  
9       section that are conducted in a foreign country unless  
10      jointly approved by the commander of the combatant com-  
11      mand concerned and the chief of mission concerned.

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

17       “(3) Funds shall not be available under subsection  
18      (a) for interagency activities involving United States civil-  
19      ian personnel or foreign civilian personnel unless the par-  
20      ticipation of such personnel in such activities—

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

23           “(B) fosters greater respect for and under-  
24       standing of the principle of civilian control of the  
25       military;



1           “(C) contributes to cooperation between United  
2       States military and civilian governmental agencies  
3       and foreign military and civilian government agen-  
4       cies; or

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

7       “(c) REIMBURSEMENT.—In the event of the partici-  
8       pation of United States Government participants (other  
9       than personnel of the Department of Defense) in activities  
10      for which payment is made under subsection (a), the head  
11      of the department or agency concerned shall reimburse the  
12      Secretary of Defense for the costs associated with the par-  
13      ticipation of such personnel in such contacts and activities.  
14      Amounts reimbursed the Department of Defense under  
15      this subsection shall be deposited in the appropriation or  
16      account from which amounts for the payment concerned  
17      were derived. Any amounts so deposited shall be merged  
18      with amounts in such appropriation or account, and shall  
19      be available for the same purposes, and subject to the  
20      same conditions and limitations, as amounts in such ap-  
21      propriation or account.

22       “(d) DEFINITIONS.—In this section:

23           “(1) The term ‘State Partnership Program’  
24       means a program that establishes a defense and se-  
25       curity relationship between the National Guard of a

1 State or territory and the military and security  
2 forces, and related disaster management, emergency  
3 response, and security ministries, of a foreign coun-  
4 try.

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

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

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

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

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

23 “(A) Disaster response and mitigation.

24 “(B) Defense support to civil authorities.

1           “(C) Consequence management and instal-  
2           lation protection.

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

6           “(E) Border and port security and co-  
7           operation with civilian law enforcement.

8           “(F) Search and rescue.

9           “(G) Medicine.

10          “(H) Counterdrug and counternarcotics  
11          activities.

12          “(I) Public affairs.

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

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

17               “(A) Personnel of the United States Gov-  
18               ernment (including personnel of departments  
19               and agencies of the United States Government  
20               other than the Department of Defense) and  
21               personnel of State and local governments of the  
22               United States.

23               “(B) Members and employees of the legis-  
24               lative branch of the United States Government.

25               “(C) Non-governmental individuals.

1           “(6) The term ‘foreign civilian personnel’  
2 means the following:

3           “(A) Civilian personnel of a foreign gov-  
4 ernment at any level (including personnel of  
5 ministries other than ministries of defense).

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

8           (2) CLERICAL AMENDMENT.—The table of sec-  
9 tions at the beginning of chapter 1 of such title is  
10 amended by adding at the end the following new  
11 item:

“116. State Partnership Program.”.

12           (b) REPEAL OF SUPERSEDED AUTHORITY.—Section  
13 1210 of the National Defense Authorization Act for Fiscal  
14 Year 2010 (Public Law 111–84; 123 Stat. 2517; 32  
15 U.S.C. 107 note) is repealed.

## 16                           **Subtitle E—Reports**

### 17   **SEC. 341. REPORT ON JOINT STRATEGY FOR READINESS** 18                           **AND TRAINING IN A C4ISR-DENIED ENVIRON-** 19                           **MENT.**

20           (a) REPORT REQUIRED.—The Secretary of Defense,  
21 in consultation with the Chairman of the Joint Chiefs of  
22 Staff, shall submit to Congress a report on the readiness  
23 of the joint force to conduct operations in environments  
24 where there is no access to Command, Control, Commu-  
25 nications, Computers, Intelligence, Surveillance, and Re-

1   connaissance (in this section referred to as “C4ISR”) sys-  
2   tems, including satellite communications, classified Inter-  
3   net protocol-based networks, and the Global Positioning  
4   System (in this section referred to as “GPS”).

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

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

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

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

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

23          (5) to conduct training and exercises for sus-  
24      taining combat and logistics operations in C4ISR-de-  
25      nied environments; and

1           (6) to propose changes to current tactics, tech-  
2           niques, and procedures to prepare to operate in an  
3           environment in which C4ISR systems are degraded  
4           or denied for 48-hour, 7 day, 30-day, or 60-day peri-  
5           ods.

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

14               (1) the development of alternatives to satellite  
15               communications, classified Internet protocol-based  
16               networks, and GPS for logistics, intelligence, surveil-  
17               lance, and reconnaissance, and combat operations;  
18               and

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

22               (3) methods to protect vulnerable satellite com-  
23               munications, classified Internet protocol-based net-  
24               works, and GPS; and

1           (4) a joint exercise and training plan to include  
 2       fleet battle experiments, to enable the force to oper-  
 3       ate in a satellite communications, Internet protocol-  
 4       based network, and GPS-denied environment.

5       (d) FORM OF REPORT.—The report required to be  
 6       submitted by subsection (a) shall be submitted in unclassi-  
 7       fied form, but may include a classified annex.

8       **SEC. 342. COMPTROLLER GENERAL REVIEW OF ANNUAL**  
 9                               **DEPARTMENT OF DEFENSE REPORT ON**  
 10                              **PREPOSITIONED MATERIEL AND EQUIP-**  
 11                              **MENT.**

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

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

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

19       **SEC. 343. MODIFICATION OF REPORT ON MAINTENANCE**  
 20                              **AND REPAIR OF VESSELS IN FOREIGN SHIP-**  
 21                              **YARDS.**

22       Section 7310(c) of title 10, United States Code, is  
 23       amended—

1 (1) in paragraph (3)(A), by inserting after  
 2 “justification under law” the following: “and oper-  
 3 ational justification”; and

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

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

11 **SEC. 344. EXTENSION OF DEADLINE FOR COMPTROLLER**  
 12 **GENERAL REPORT ON DEPARTMENT OF DE-**  
 13 **FENSE SERVICE CONTRACT INVENTORY.**

14 Section 803(c) of the National Defense Authorization  
 15 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
 16 2402) is amended by striking “180 days” and inserting  
 17 “270 days”.

18 **SEC. 345. GAO REPORT REVIEWING METHODOLOGY OF DE-**  
 19 **PARTMENT OF DEFENSE RELATING TO COSTS**  
 20 **OF PERFORMANCE BY CIVILIAN EMPLOYEES,**  
 21 **MILITARY PERSONNEL, AND CONTRACTORS.**

22 (a) REVIEW REQUIREMENT.—The Comptroller Gen-  
 23 eral of the United States shall conduct a review of Depart-  
 24 ment of Defense Directive-Type Memorandum 09–007 en-  
 25 titled “Estimating and Comparing the Full Costs of Civil-



1   ian and Military Manpower and Contractor Support” to  
2   determine whether the methodology used in the memo-  
3   randum reflects the actual, relevant, and quantifiable  
4   costs to taxpayers of performance by Federal civilian em-  
5   ployees, military personnel, and contractors.

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

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

23   **SEC. 346. REPORT ON MEDICAL EVACUATION POLICIES.**

24       (a) IN GENERAL.—Not later than 120 days after the  
25  date of the enactment of this Act, the Secretary of Defense

1 shall submit to the congressional defense committees and  
2 the Comptroller General of the United States a report on  
3 the policies, procedures, and guidelines of the Department  
4 of Defense for helicopter evacuation of injured members  
5 of the Armed Forces performed by—

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

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

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

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

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

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

21 (4) The potential costs associated with—

22 (A) arming MEDEVAC helicopters;

23 (B) increasing the training of MEDEVAC  
24 air crews to be comparable to the training of  
25 CASEVAC air crews; and

1 (C) increasing the quality of the avionics  
2 used in MEDEVAC helicopters to be com-  
3 parable to the quality of the avionics used in  
4 CASEVAC helicopters.

5 (5) An analysis of the Army rescue goal, com-  
6 monly known as the “golden hour”, which specifies  
7 a goal of transporting an injured member of the  
8 Armed Forces to a military medical treatment facil-  
9 ity not later than 60 minutes after the MEDEVAC  
10 unit receives notification of the injury, including an  
11 analysis on—

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

15 (B) the usefulness of gathering informa-  
16 tion about survival rates using additional dif-  
17 ferent time periods; and

18 (C) the validity of the survival rate associ-  
19 ated with the “golden hour”.

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

22 (A) the Army;

23 (B) the Air Force;

24 (C) Special Operations Command; and

1 (D) armed forces of other countries that  
2 perform helicopter evacuations in combat zones.

3 (7) An analysis of—

4 (A) the requirements under the Convention  
5 for the Amelioration of the Condition of the  
6 Wounded and Sick in the Armed Forces in the  
7 Field, done at Geneva, August 12, 1949 (6  
8 UST 3114) and the related protocols with re-  
9 gard to the weapons an aircraft may carry and  
10 still be considered a medical aircraft (which, for  
11 purposes of such Convention and protocols,  
12 means an aircraft exclusively employed for the  
13 removal of wounded and sick and for the trans-  
14 port of medical personnel and equipment) pro-  
15 tected under such Convention, and of the inter-  
16 pretations of and policies under such require-  
17 ments by the Department of Defense;

18 (B) the threats to MEDEVAC and  
19 CASEVAC air crews and assets posed by un-  
20 conventional forces that do not abide by inter-  
21 national law, military tradition, or custom, such  
22 as insurgent or criminal organizations; and

23 (C) any strategies to respond to the  
24 threats identified in subparagraph (B), as well  
25 as any legal or policy restrictions to such re-

1           sponses based on the requirements, policies, and  
2           interpretations identified in subparagraph (A).

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

6           (9) Information on the average number of in-  
7           jured members of the Armed Forces that are evacu-  
8           ated during each MEDEVAC and CASEVAC mis-  
9           sion.

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

16       **SEC. 347. REPORT ON PROVIDING TELECOMMUNICATIONS**  
17                       **SERVICES TO UNIFORMED PERSONNEL**  
18                       **TRANSITING THROUGH FOREIGN AIRPORTS.**

19          (a) REPORT REQUIREMENT.—The Secretary of De-  
20       fense shall submit to the congressional defense committees  
21       a report on the feasibility of providing market-rate or  
22       below-market rate (or both) telecommunications service  
23       (either phone, VoIP, video chat, or a combination thereof),  
24       either directly or through a contract, to uniformed military  
25       personnel transiting through a foreign airport while in

1 transit to or returning from deployment overseas. The  
2 Secretary also shall investigate allegations of certain  
3 telecom companies specifically targeting uniformed mili-  
4 tary personnel in transit overseas (who have no other op-  
5 tion to contact their families) with above-market-rate fees,  
6 and shall include the results of that investigation in the  
7 report.

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

11 **SEC. 348. SURVEY AND REPORT ON PERSONAL PROTEC-**  
12 **TION EQUIPMENT NEEDED BY MEMBERS OF**  
13 **THE ARMED FORCES DEPLOYED ON THE**  
14 **GROUND IN COMBAT ZONES.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that, when sending members of the United States  
17 Armed Forces into combat, the United States has an obli-  
18 gation to ensure that—

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

21 (2) the members, or their family and friends,  
22 never feel compelled to purchase additional equip-  
23 ment and supplies to be safer in combat.

24 (b) SURVEY REQUIRED.—Not later than 180 days  
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall conduct an anonymous survey among  
2 members and former members of the Armed Forces who  
3 were deployed on the ground in a combat zone since Sep-  
4 tember 11, 2001, requesting information on what kinds  
5 of personal protection equipment (such as body armor and  
6 ballistic eyewear) the member believes should have been  
7 provided to members during deployment but were not pro-  
8 vided. The Secretary shall include in the survey questions  
9 about whether members, their families, or other persons  
10 purchased any personal protection equipment because the  
11 Armed Forces did not provide the equipment and the  
12 types and quantity of equipment purchased.

13 (c) REPORT ON RESULTS OF SURVEY.—Not later  
14 than 180 days after the completion of the survey required  
15 by subsection (b), the Secretary of Defense shall submit  
16 to Congress a report—

17 (1) describing the results of the survey;

18 (2) describing the types and quantity of per-  
19 sonal protection equipment not provided by the  
20 Armed Forces and purchased instead by or on behalf  
21 of members of the Armed Forces to protect them-  
22 selves;

23 (3) explaining why such personal protection  
24 equipment was not provided; and

1           (4) recommending future funding solutions to  
2       prevent the omission in the future.

3 **SEC. 349. REPORT ON STATUS OF TARGETS IN OPER-**  
4 **ATIONAL ENERGY STRATEGY IMPLEMENTA-**  
5 **TION PLAN.**

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

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

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

14           (3) the expected date of completion for each  
15 target if such date is different from the date indi-  
16 cated in the report; and

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

19       (b) RELEVANT CONGRESSIONAL COMMITTEES DE-  
20 FINED.—In this section, the term “relevant congressional  
21 committees” means—

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

24           (2) the Committee on Oversight and Govern-  
25 ment Reform of the House of Representatives;



(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives; and

(5) the Committee on Foreign Relations of the Senate.

## **Subtitle F—Limitations and Extensions of Authority**

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

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

(1) in subsection (a), by striking “(a) IN GENERAL.—The Secretary” and inserting “The Secretary”; and

(2) by striking subsection (b).

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

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to disestablish or downgrade any

1 of the 18 level 5 aerospace control alert defense locations  
2 in existence as of the date of the enactment of this Act.

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

7 (1) The date of the enactment of the National  
8 Defense Authorization Act for Fiscal Year 2014.

9 (2) September 30, 2013.

10 (c) CONSOLIDATED BUDGET EXHIBIT.—The Sec-  
11 retary of Defense shall establish a consolidated budget jus-  
12 tification display that fully identifies the baseline aero-  
13 space control alert budget for each of the military services  
14 and encompasses all programs and activities of the aero-  
15 space control alert mission for each of the following func-  
16 tions:

17 (1) Procurement.

18 (2) Operation and maintenance.

19 (3) Research, development, testing, and evalua-  
20 tion.

21 (4) Military construction.

22 (d) REPORT.—

23 (1) REPORT TO CONGRESS.—Not later than  
24 March 1, 2013, the Secretary of Defense shall sub-  
25 mit to the congressional defense committees a report

1       that provides a cost-benefit analysis and risk-based  
2       assessment of the aerospace control alert mission as  
3       it relates to expected future changes to the budget  
4       and force structure of such mission.

5               (2) COMPTROLLER GENERAL REVIEW.—Not  
6       later than 120 days after the date on which the Sec-  
7       retary submits the report required by paragraph (1),  
8       the Comptroller General of the United States shall—

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

13              (B) submit to the congressional defense  
14       committees a report on the findings of such re-  
15       view.

16       (e) SENSE OF CONGRESS ON THE ESSENTIAL SERV-  
17       ICE PROVIDED BY FIGHTER WINGS PERFORMING AERO-  
18       SPACE CONTROL ALERT MISSIONS.—It is the sense of  
19       Congress that fighter wings performing the 24-hour Aero-  
20       space Control Alert missions provide an essential service  
21       in defending the sovereign airspace of the United States  
22       in the aftermath of the terrorist attacks upon the United  
23       States on September 11, 2001.

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

4 Of the amounts authorized to be appropriated for Op-  
5 eration and Maintenance for fiscal year 2013, not more  
6 than \$5,000,000 shall be made available for the National  
7 Museum of the United States Army until the Secretary  
8 of the Army submits to the congressional defense commit-  
9 tees certification in writing that sufficient private funding  
10 has been raised to fund the construction of the portion  
11 of the museum known as the “Baseline Museum” and that  
12 at least 50 percent of the Baseline Museum has been com-  
13 pleted.

14 **SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**  
15 **TIREMENT OR INACTIVATION OF TICON-**  
16 **DEROGA CLASS CRUISERS OR DOCK LAND-**  
17 **ING SHIPS.**

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

24 (b) EXCEPTION.—Notwithstanding subsection (a),  
25 the U.S.S. Port Royal, CG 73, is authorized for retire-  
26 ment.

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

7           (1) The date of the enactment of the National  
8 Defense Authorization Act for Fiscal Year 2014.

9           (2) September 30, 2013.

10 **SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN**  
11 **OF VETERANS MEMORIAL OBJECTS WITHOUT**  
12 **SPECIFIC AUTHORIZATION IN LAW.**

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

16       “(e)(1) Except as provided in paragraph (3), and not-  
17 withstanding this section or any other provision of law,  
18 the President may not transfer a veterans memorial object  
19 to a foreign country or an entity controlled by a foreign  
20 government, or otherwise transfer or convey such an ob-  
21 ject to any person or entity for purposes of the ultimate  
22 transfer or conveyance of the object to a foreign country  
23 or entity controlled by a foreign government.

24       “(2) In this subsection:

1           “(A) The term ‘entity controlled by a foreign  
2           government’ has the meaning given that term in sec-  
3           tion 2536(c)(1) of this title.

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

7                   “(i) is located at a cemetery of the Na-  
8                   tional Cemetery System, war memorial, or mili-  
9                   tary installation in the United States;

10                   “(ii) is dedicated to, or otherwise memori-  
11                   alizes, the death in combat or combat-related  
12                   duties of members of the armed forces; and

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

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

17                   “(A) the transfer of that veterans memorial ob-  
18                   ject is specifically authorized by law; or

19                   “(B) the transfer is made after September 30,  
20           2017.”.

21           (b) REPEAL OF OBSOLETE SOURCE LAW.—Section  
22           1051 of the National Defense Authorization Act for Fiscal  
23           Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is  
24           repealed.

1           **Subtitle G—Other Matters**

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

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

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

8           (A) by redesignating subsections (f) and  
9           (g) as subsections (h) and (i), respectively; and  
10          (B) by inserting after subsection (e) the  
11          following new subsections:

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

16          “(g) TRANSFER OF RETIRED MILITARY WORKING  
17   DOGS.—If the Secretary of the military department con-  
18   cerned determines that a military working dog should be  
19   retired, and no suitable adoption is available at the mili-  
20   tary facility where the dog is located, the Secretary may  
21   transfer the dog—

22          “(1) to the 341st Training Squadron; or  
23          “(2) to another location for adoption under this  
24          section.”.

1           (2) ACCEPTANCE OF FREQUENT TRAVELER  
2           MILES TO FACILITATE ADOPTION.—Section 2613(d)  
3           of such title is amended—

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

6                   (B) in paragraph (2), by striking the pe-  
7                   riod at the end and inserting “; or”; and

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

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

12           (b) VETERINARY CARE FOR RETIRED MILITARY  
13           WORKING DOGS.—

14                   (1) VETERINARY CARE.—

15                   (A) IN GENERAL.—Chapter 50 of such  
16                   title is amended by adding at the end the fol-  
17                   lowing new section:

18           **“§ 993. Military working dogs: veterinary care for re-**  
19                   **tired military working dogs**

20                   “(a) IN GENERAL.—The Secretary of Defense shall  
21                   establish and maintain a system to provide for the veteri-  
22                   nary care of retired military working dogs.

23                   “(b) ELIGIBLE DOGS.—(1) A retired military work-  
24                   ing dog eligible for veterinary care under this section is



1 any military working dog adopted under section 2583 of  
2 this title.

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

7 “(c) ADMINISTRATION.—(1) The Secretary shall ad-  
8 minister the system required by this section under a con-  
9 tract awarded by the Secretary for that purpose.

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

16 “(B) An entity seeking the award of a contract under  
17 this subsection shall submit to the Secretary an applica-  
18 tion therefor in such form, and containing such informa-  
19 tion, as the Secretary shall require.

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

22 “(d) STANDARDS OF CARE.—(1) The veterinary care  
23 provided under the system required by this section shall  
24 meet such standards as the Secretary shall establish and  
25 from time to time update.

1       “(2) The standards required by this subsection shall  
2 include the following:

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

5               “(B) Provisions regarding the entities (includ-  
6 ing private veterinarians and entities) qualified to  
7 provide the care.

8               “(C) Provisions regarding the facilities, includ-  
9 ing military installations, government facilities, and  
10 private facilities, in which the care may be provided.

11               “(D) A requirement that complete histories be  
12 maintained on the health and use in research of re-  
13 tired military working dogs.

14               “(E) Such other matters as the Secretary con-  
15 siders appropriate.

16       “(3) The Secretary shall consult with the board of  
17 directors of the non-profit private entity awarded the con-  
18 tract under subsection (c) in establishing and updating  
19 standards of care under this subsection.

20       “(e) COVERAGE OF COSTS.—(1) Except as provided  
21 in paragraph (2), any costs of operation and administra-  
22 tion of the system required by this section, and of any  
23 veterinary care provided under the system, shall be cov-  
24 ered by such combination of the following as the Secretary

1 and the non-profit entity awarded the contract under sub-  
 2 section (c) jointly consider appropriate:

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

4 “(B) Payments for such care by owners or  
 5 guardians of the retired military working dogs re-  
 6 ceiving such care.

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

9 “(2) Funds provided by the Federal Government—  
 10 “(A) may not be used—

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

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

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

18 “(f) REGULATIONS.—The Secretary shall prescribe  
 19 regulations for the discharge of the requirements and au-  
 20 thorities in this section, including regulations on the  
 21 standards of care required by subsection (d).”.

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

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

1           (2) REGULATIONS.—The Secretary of Defense  
 2           shall prescribe the regulations required by subsection  
 3           (f) of section 993 of title 10, United States Code (as  
 4           added by paragraph (1)), not later than 180 days  
 5           after the date of the enactment of this Act.

6           (c) RECOGNITION OF SERVICE OF MILITARY WORK-  
 7   ING DOGS.—Section 1125 of such title is amended—

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

10          (2) by adding at the end the following new sub-  
 11          section:

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

18   **SEC. 362. ASSISTANCE FOR HOMELAND DEFENSE MISSION**

19                           **TRAINING.**

20          (a) ASSISTANCE AUTHORIZED.—Chapter 9 of title  
 21   32, United States Code, is amended by adding at the end  
 22   the following new section:

23   **“§ 909. Training assistance**

24          “(a) ASSISTANCE AUTHORIZED.—To improve the  
 25   training of National Guard units and Federal agencies

1 performing homeland defense activities, the Secretary of  
 2 Defense may provide funding assistance through a special  
 3 military cooperative agreement for the operation and  
 4 maintenance of any State training center certified by the  
 5 Federal Emergency Management Agency as capable of  
 6 providing emergency response training.

7 “(b) MERIT-BASED OR COMPETITIVE DECISIONS.—  
 8 A decision to commit, obligate, or expend funds under sub-  
 9 section (a) with or to a specific entity shall—

10 “(1) be based on merit-based selection proce-  
 11 dures in accordance with the requirements of sec-  
 12 tions 2304(k) and 2374 of title 10 or on competitive  
 13 procedures; and

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

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

“909. Training assistance.”.

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

22 (a) COMPTROLLER GENERAL REVIEW.—The Comp-  
 23 troller General of the United States shall conduct a review  
 24 of the policies and procedures of the Department of De-

1 fense for the handling, labeling, and packaging of haz-  
2 ardous material shipments.

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

5 (1) The relevant statutes, regulations, and guid-  
6 ance and policies of the Department of Defense per-  
7 taining to the handling, labeling, and packaging pro-  
8 cedures of hazardous material shipments to support  
9 military operations.

10 (2) The extent to which the such guidance, poli-  
11 cies, and procedures contribute to the safe, timely,  
12 and cost-effective handling of such material.

13 (3) The extent to which discrepancies in De-  
14 partment of Transportation guidance, policies, and  
15 procedures pertaining to handling, labeling, and  
16 packaging of hazardous materials shipments in com-  
17 merce and similar Department of Defense guidance,  
18 policies, and procedures pertaining to the handling,  
19 labeling, and packaging of hazardous materials ship-  
20 ments impact the safe, timely, and cost-effective  
21 handling of such material.

22 (4) Any additional matters that the Comptroller  
23 General determines will further inform the appro-  
24 priate congressional committees on issues related to  
25 the handling, labeling, and packaging procedures for

1 hazardous material shipments to members of the  
2 Armed Forces worldwide.

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

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
8 In this section, the term “appropriate congressional com-  
9 mittees” means the following:

- 10 (1) The congressional defense committees.
- 11 (2) The Committee on Transportation and In-  
12 frastructure of the House of Representatives and the  
13 Committee on Commerce, Science, and Transpor-  
14 tation of the Senate.

## 15 **TITLE IV—MILITARY**

## 16 **PERSONNEL AUTHORIZATIONS**

### 17 **Subtitle A—Active Forces**

#### 18 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

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

- 21 (1) The Army, 552,100.
- 22 (2) The Navy, 322,700.
- 23 (3) The Marine Corps, 197,300.
- 24 (4) The Air Force, 330,383.

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

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

6 “(1) For the Army, 552,100.

7 “(2) For the Navy, 322,700.

8 “(3) For the Marine Corps, 197,300.

9 “(4) For the Air Force, 330,383.”.

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

13 (a) ANNUAL CERTIFICATION.—Subject to sub-  
14 sections (b) and (c), if the President determines that a  
15 reduction in end strength of the regular component of the  
16 Army or Marine Corps (or both) is necessary for any of  
17 fiscal years 2014 through 2017, the President shall submit  
18 to Congress, with the budget request for that fiscal year,  
19 a certification that the reduction in end strength, should  
20 the assumptions of the National Security Strategy pre-  
21 scribed by the President in the most recent annual na-  
22 tional security strategy report under section 108 of the  
23 National Security Act of 1947 (50 U.S.C. 404a) prove to  
24 be incorrect, will not—



1           (1) undermine the ability of the Armed Forces  
2           to meet the requirements of the National Security  
3           Strategy;

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

6           (3) compel members of the Armed Forces to en-  
7           dure diminished dwell time and repeated deploy-  
8           ments.

9           (b) ANNUAL LIMITATION ON REDUCTIONS.—

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

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

22          (c) BUDGETING REQUIREMENT.—The budget for the  
23          Department of Defense for each of fiscal years 2014  
24          through 2017 as submitted to Congress—

1           (1) shall include amounts for maintaining an  
2           end strength of the regular component of the Army  
3           and the Marine Corps sufficient to comply with the  
4           active duty end strengths prescribed in section  
5           691(b) of title 10, United States Code; and

6           (2) shall not rely on any emergency, supple-  
7           mental, or overseas contingency operations funding.

8 **SEC. 404. EXCLUSION OF MEMBERS WITHIN THE INTE-**  
9 **GRATED DISABILITY EVALUATION SYSTEM**  
10 **FROM END STRENGTH LEVELS FOR ACTIVE**  
11 **FORCES.**

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

18       (b) **FUNDING SOURCE.**—The Secretary of Defense  
19 shall use funds authorized to be appropriated for overseas  
20 contingency operations being carried out by the Armed  
21 Forces to cover any military personnel expenses incurred  
22 as a result of the exclusion under subsection (a) of mem-  
23 bers of the Armed Forces from the end strengths levels  
24 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

1 (other than for training or for unsatisfactory partici-  
2 pation in training) without their consent at the end  
3 of the fiscal year.

4 (c) **END STRENGTH INCREASES.**—Whenever units or  
5 individual members of the Selected Reserve of any reserve  
6 component are released from active duty during any fiscal  
7 year, the end strength prescribed for such fiscal year for  
8 the Selected Reserve of such reserve component shall be  
9 increased proportionately by the total authorized strengths  
10 of such units and by the total number of such individual  
11 members.

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

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

- 21 (1) The Army National Guard of the United  
22 States, 32,060.
- 23 (2) The Army Reserve, 16,277.
- 24 (3) The Navy Reserve, 10,114.
- 25 (4) The Marine Corps Reserve, 2,261.

1           (5) The Air National Guard of the United  
2       States, 14,952.

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

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

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

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

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

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

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

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

19       (a) LIMITATIONS.—

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

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

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

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

8 (3) AIR FORCE RESERVE.—The number of non-  
9 dual status technicians employed by the Air Force  
10 Reserve as of September 30, 2013, may not exceed  
11 90.

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

16 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
17 **THORIZED TO BE ON ACTIVE DUTY FOR**  
18 **OPERATIONAL SUPPORT.**

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

24 (1) The Army National Guard of the United  
25 States, 17,000.

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

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

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

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

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

7 **Subtitle C—Authorization of**  
8 **Appropriations**

9 **SEC. 421. MILITARY PERSONNEL.**

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

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

1 **TITLE V—MILITARY PERSONNEL**  
2 **POLICY**

3 **Subtitle A—Officer Personnel**  
4 **Policy Generally**

5 **SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFI-**  
6 **CERS ON ACTIVE DUTY.**

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

10 (b) CORRESPONDING CHANGE IN COMPUTING NUM-  
11 BER OF FLAG OFFICERS IN STAFF CORPS OF THE  
12 NAVY.—Section 5150(c) of such title is amended by strik-  
13 ing the last sentence.

14 **SEC. 502. EXCEPTION TO REQUIRED RETIREMENT AFTER 30**  
15 **YEARS OF SERVICE FOR REGULAR NAVY**  
16 **WARRANT OFFICERS IN THE GRADE OF**  
17 **CHIEF WARRANT OFFICER, W-5.**

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

20 (1) in paragraph (1)—

21 (A) by striking “A regular warrant officer  
22 (other than a regular Army warrant officer)”  
23 and inserting “Subject to paragraphs (2) and  
24 (3), a regular warrant officer”; and



1 (B) by striking “he” and inserting “the of-  
2 ficer”; and

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

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

9 **SEC. 503. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAP-**  
10 **LAINS.**

11 (a) ESTABLISHMENT OF POSITIONS; APPOINT-  
12 MENT.—Chapter 805 of title 10, United States Code, is  
13 amended by adding at the end the following new section:

14 **“§ 8039. Chief and Deputy Chief of Chaplains: ap-**  
15 **pointment; duties**

16 “(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of  
17 Chaplains in the Air Force, appointed by the President,  
18 by and with the advice and consent of the Senate, from  
19 officers of the Air Force designated under section 8067(h)  
20 of this title as chaplains who—

21 “(A) are serving in the grade of colonel or  
22 above;

23 “(B) are serving on active duty; and

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

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

5       “(3) The Chief of Chaplains shall perform such du-  
6 ties as may be prescribed by the Secretary of the Air Force  
7 and by law.

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

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

14               “(B) are serving on active duty; and

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

17       “(2) An officer appointed as the Deputy Chief of  
18 Chaplains shall be appointed for a term of three years.  
19 However, the President may terminate or extend the ap-  
20 pointment at any time.

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

24       “(c) SELECTION BOARD.—Under regulations ap-  
25 proved by the Secretary of Defense, the Secretary of the

1 Air Force, in selecting an officer for recommendation to  
 2 the President for appointment as the Chief of Chaplains  
 3 or the Deputy Chief of Chaplains, shall ensure that the  
 4 officer selected is recommended by a board of officers that,  
 5 insofar as practicable, is subject to the procedures applica-  
 6 ble to the selection boards convened under chapter 36 of  
 7 this title.”.

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

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

11 **SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO RE-**  
 12 **DUCE MINIMUM LENGTH OF ACTIVE SERVICE**  
 13 **AS A COMMISSIONED OFFICER REQUIRED**  
 14 **FOR VOLUNTARY RETIREMENT AS AN OFFI-**  
 15 **CER.**

16 (a) ARMY.—Section 3911(b)(2) of title 10, United  
 17 States Code, is amended by striking “September 30,  
 18 2013” and inserting “September 30, 2018”.

19 (b) NAVY AND MARINE CORPS.—Section  
 20 6323(a)(2)(B) of such title is amended by striking “Sep-  
 21 tember 30, 2013” and inserting “September 30, 2018”.

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

1 **SEC. 505. TEMPORARY INCREASE IN THE TIME-IN-GRADE**  
2 **RETIREMENT WAIVER LIMITATION FOR LIEU-**  
3 **TENANT COLONELS AND COLONELS IN THE**  
4 **ARMY, AIR FORCE, AND MARINE CORPS AND**  
5 **COMMANDERS AND CAPTAINS IN THE NAVY.**

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

8 (1) by striking “the period ending on December  
9 31, 2007” and inserting “fiscal years 2013 through  
10 2018”;

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

13 (3) by striking “in the period”.

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

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

21 (1) in subparagraph (E)—

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

23 (B) by inserting before the period at the  
24 end the following: “or (ii) in the case of officers  
25 of that armed forces in a grade specified in sub-

1 paragraph (G), two officers, whichever number  
2 is greater”; and

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

5 “(G) Notwithstanding subparagraph (E), during fis-  
6 cal years 2013 through 2017, the total number of briga-  
7 dier generals and major generals of the Army, Air Force,  
8 and Marine Corps, and the total number of rear admirals  
9 (lower half) and rear admirals of the Navy, for whom a  
10 reduction is made under this section during any fiscal year  
11 of service-in-grade otherwise required under this para-  
12 graph—

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

17 “(ii) for officers of the Marine Corps, may not  
18 exceed 10 percent of the authorized active-duty  
19 strength for that fiscal year for officers in those  
20 grades.”.

21 **SEC. 507. DIVERSITY IN MILITARY LEADERSHIP AND RE-**  
22 **LATED REPORTING REQUIREMENTS.**

23 (a) PLAN TO ACHIEVE MILITARY LEADERSHIP RE-  
24 FLECTING DIVERSITY OF UNITED STATES POPU-  
25 LATION.—

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

4   **“§ 656. Diversity in military leadership: plan**

5       “(a) PLAN.—The Secretary of Defense (and the Sec-  
6       retary of Homeland Security in the case of the Coast  
7       Guard) shall develop and implement a plan to accurately  
8       measure the efforts of the Department of Defense to  
9       achieve a dynamic, sustainable level of members of the  
10      armed forces (including reserve components) that, among  
11      both commissioned officers and senior enlisted personnel  
12      of each armed force, will reflect the diverse population of  
13      the United States eligible to serve in the armed forces,  
14      including gender specific, racial, and ethnic populations.  
15      Any metric established pursuant to this subsection may  
16      not be used in a manner that undermines the merit-based  
17      processes of the Department of Defense, including such  
18      processes for accession, retention, and promotion. Such  
19      metrics may not be combined with the identification of  
20      specific quotas based upon diversity characteristics. The  
21      Secretary shall continue to account for diversified lan-  
22      guage and cultural skills among the total force of the mili-  
23      tary.

24      “(b) METRICS TO MEASURE PROGRESS IN DEVEL-  
25      OPING AND IMPLEMENTING PLAN.—In developing and im-

1 plementing the plan under subsection (a), the Secretary  
2 of Defense (and the Secretary of Homeland Security in  
3 the case of the Coast Guard) shall develop a standard set  
4 of metrics and collection procedures that are uniform  
5 across the armed forces. The metrics required by this sub-  
6 section shall be designed—

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

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

15          “(c) DEFINITION OF DIVERSITY.—In developing and  
16 implementing the plan under subsection (a), the Secretary  
17 of Defense (and the Secretary of Homeland Security in  
18 the case of the Coast Guard) shall develop a uniform defi-  
19 nition of diversity.

20          “(d) CONSULTATION.—Not less than annually, the  
21 Secretary of Defense and the Secretary of Homeland Se-  
22 curity shall meet with the Secretaries of the military de-  
23 partments, the Joint Chiefs of Staff, the Commandant of  
24 the Coast Guard, and senior enlisted members of the  
25 armed forces to discuss the progress being made toward

1 developing and implementing the plan established under  
2 subsection (a).

3 “(e) COOPERATION WITH STATES.—The Secretary of  
4 Defense shall coordinate with the National Guard Bureau  
5 and States in tracking the progress of the National Guard  
6 toward developing and implementing the plan established  
7 under subsection (a).”.

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

“656. Diversity in military leadership: plan.”.

11 (b) INCLUSION IN DOD MANPOWER REQUIREMENTS  
12 REPORT.—Section 115a(c) of such title is amended by  
13 adding at the end the following new paragraphs:

14 “(4) The progress made in implementing the  
15 plan required by section 656 of this title to accu-  
16 rately measure the efforts of the Department to re-  
17 flect the diverse population of the United States eli-  
18 gible to serve in the armed forces.

19 “(5) The number of members of the armed  
20 forces, including reserve components, listed by sex  
21 and race or ethnicity for each rank under each mili-  
22 tary department.

23 “(6) The number of members of the armed  
24 forces, including reserve components, who were pro-  
25 moted during the year covered by the report, listed



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

3 “(7) The number of members of the armed  
4 forces, including reserve components, who reenlisted  
5 or otherwise extended the commitment to military  
6 service during the year covered by the report, listed  
7 by sex and race or ethnicity for each rank under  
8 each military department.

9 “(8) The available pool of qualified candidates  
10 for the general officer grades of general and lieuten-  
11 ant general and the flag officer grades of admiral  
12 and vice admiral.”.

13 (c) COAST GUARD REPORT.—

14 (1) ANNUAL REPORT REQUIRED.—The Sec-  
15 retary of Homeland Security shall prepare an annual  
16 report addressing diversity among commissioned of-  
17 ficers of the Coast Guard and Coast Guard Reserve  
18 and among enlisted personnel of the Coast Guard  
19 and Coast Guard Reserve. The report shall in-  
20 clude—

21 (A) an assessment of the available pool of  
22 qualified candidates for the flag officer grades  
23 of admiral and vice admiral;

1           (B) the number of such officers and per-  
2           sonnel, listed by sex and race or ethnicity for  
3           each rank;

4           (C) the number of such officers and per-  
5           sonnel who were promoted during the year cov-  
6           ered by the report, listed by sex and race or  
7           ethnicity for each rank; and

8           (D) the number of such officers and per-  
9           sonnel who reenlisted or otherwise extended the  
10          commitment to the Coast Guard during the  
11          year covered by the report, listed by sex and  
12          race or ethnicity for each rank.

13          (2) SUBMISSION.—The report under paragraph  
14          (1) shall be submitted each year not later than 45  
15          days after the date on which the President submits  
16          to Congress the budget for the next fiscal year under  
17          section 1105 of title 31, United States Code. Each  
18          report shall be submitted to the Committee on  
19          Armed Services, the Committee on Transportation  
20          and Infrastructure, and the Committee on Home-  
21          land Security of the House of Representatives, and  
22          the Committee on Armed Services and the Com-  
23          mittee on Commerce, Science, and Transportation of  
24          the Senate.

1     **Subtitle B—Reserve Component**  
2                     **Management**

3     **SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS**  
4                     **FOR JOINT STAFF RELATED TO NATIONAL**  
5                     **GUARD AND RESERVE MATTERS.**

6         (a) CODIFICATION OF EXISTING POSITIONS.—Chapter  
7     ter 5 of title 10, United States Code, is amended by insert-  
8     ing after section 155 the following new section:

9     **“§ 155a. Assistants to the Chairman of the Joint**  
10                   **Chiefs of Staff for National Guard mat-**  
11                   **ters and for Reserve matters**

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

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

17             “(2) Assistant to the Chairman of the Joint  
18     Chiefs of Staff for Reserve Matters.

19         “(b) SELECTION.—(1) The Assistant to the Chair-  
20     man of the Joint Chiefs of Staff for National Guard Mat-  
21     ters shall be selected by the Chairman from officers of the  
22     Army National Guard of the United States or the Air  
23     Guard of the United States who—

24             “(A) are recommended for such selection by  
25     their respective Governors or, in the case of the Dis-

1        trict of Columbia, the commanding general of the  
2        District of Columbia National Guard;

3            “(B) have had at least 10 years of federally rec-  
4        ognized commissioned service in the National Guard  
5        and significant joint duty experience, as determined  
6        by the Chairman of the Joint Chiefs of Staff; and

7            “(C) are in a grade above the grade of colonel.

8        “(2) The Assistant to the Chairman of the Joint  
9        Chiefs of Staff for Reserve Matters shall be selected by  
10       the Chairman from officers of the Army Reserve, the Navy  
11       Reserve, the Marine Corps Reserve, or the Air Force Re-  
12       serve who—

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

15            “(B) have had at least 10 years of commis-  
16        sioned service in their reserve component and signifi-  
17        cant joint duty experience, as determined by the  
18        Chairman of the Joint Chiefs of Staff; and

19            “(C) are in a grade above the grade of colonel  
20        or, in the case of the Navy Reserve, captain.

21        “(c) TERM OF OFFICE.—Each Assistant to the  
22        Chairman of the Joint Chiefs of Staff under subsection  
23        (a) serves at the pleasure of the Chairman for a term of  
24        two years and may be continued in that assignment in

1 the same manner for one additional term. However, in  
2 time of war there is no limit on the number of terms.

3 “(d) GRADE.—Each Assistant to the Chairman of the  
4 Joint Chiefs of Staff under subsection (a), while so serv-  
5 ing, holds the grade of major general or, in the case of  
6 the Navy Reserve, rear admiral. Each such officer shall  
7 be considered to be serving in a position covered by the  
8 limited exclusion from the authorized strength of general  
9 officers and flag officers on active duty provided by section  
10 526(b) of this title.

11 “(e) DUTIES.—(1) The Assistant to the Chairman of  
12 the Joint Chiefs of Staff for National Guard Matters is  
13 an adviser to the Chairman on matters relating to the Na-  
14 tional Guard and performs the duties prescribed for that  
15 position by the Chairman.

16 “(2) The Assistant to the Chairman of the Joint  
17 Chiefs of Staff for Reserve Matters is an adviser to the  
18 Chairman on matters relating to the reserves and per-  
19 forms the duties prescribed for that position by the Chair-  
20 man.

21 “(f) OTHER RESERVE COMPONENT REPRESENTA-  
22 TION ON JOINT STAFF.—The Secretary of Defense, in  
23 consultation with the Chairman of the Joint Chiefs, shall  
24 develop appropriate policy guidance to ensure that, to the  
25 maximum extent practicable, the level of representation of

1 reserve component officers on the Joint Staff is commen-  
 2 surate with the significant role of the reserve components  
 3 within the armed forces.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
 5 at the beginning of such chapter is amended by inserting  
 6 after the item related to section 155 the following new  
 7 item:

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National  
 Guard matters and for Reserve matters.”.

8 (c) REPEAL OF SUPERSEDED LAW.—Section 901 of  
 9 the National Defense Authorization Act for Fiscal Year  
 10 1998 (Public Law 105–85; 10 U.S.C. 155 note) is re-  
 11 pealed.

12 **SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PRO-**  
 13 **MOTION OF CERTAIN NATIONAL GUARD WAR-**  
 14 **RANT OFFICERS.**

15 Section 310(a) of title 32, United States Code, is  
 16 amended—

17 (1) by inserting “(1)” before “Notwith-  
 18 standing”; and

19 (2) by adding at the end the following new  
 20 paragraph:

21 “(2) Notwithstanding sections 307 and 309 of this  
 22 title, if a warrant officer, W–1, of the National Guard is  
 23 promoted to the grade of chief warrant officer, W–2, to  
 24 fill a vacancy in a federally recognized unit in the National

1 Guard, Federal recognition is automatically extended to  
2 that officer in the grade of chief warrant officer, W-2,  
3 effective as of the date on which that officer has completed  
4 the service in the grade prescribe by the Secretary con-  
5 cerned under section 12242 of title 10, if the warrant offi-  
6 cer has remained in an active status since the warrant  
7 officer was so recommended.”.

8 **SEC. 513. ON-LINE TRACKING OF CERTAIN RESERVE DUTY.**

9       The Secretary of Defense shall establish an online  
10 means by which members of the Ready Reserve of the  
11 Armed Forces can track their operational active-duty serv-  
12 ice performed after January 28, 2008, under section  
13 12301(a), 12301(d), 12301(g), 12302, or 12304 of title  
14 10, United States Code. The tour calculator shall specify  
15 early retirement credit authorized for each qualifying tour  
16 of active duty, as well as cumulative early reserve retire-  
17 ment credit authorized to date under the amendments to  
18 section 12731 of such title made by section 647 of the  
19 National Defense Authorization Act for fiscal year 2008  
20 (Public Law 110–181; 122 Stat. 160).

**Subtitle C—General Service  
Authorities**

**SEC. 521. MODIFICATIONS TO CAREER INTERMISSION  
PILOT PROGRAM.**

(a) EXTENSION OF PROGRAMS TO INCLUDE ACTIVE GUARD AND RESERVE PERSONNEL.—Subsection (a)(1) of section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4449; 10 U.S.C. 701 prec.) is amended by inserting after “officers and enlisted members of the regular components” the following: “, and members of the Active Guard and Reserve (as defined in section 101(b)(16) of title 10, United States Code),”.

(b) AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(5) LEAVE.—A member who participates in a pilot program is entitled to carry forward the leave balance, existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.”.

(c) AUTHORITY FOR DISABILITY PROCESSING.—Subsection (j) of such section is amended—



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

3 “(1) the entitlement”;

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

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

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

11 **SEC. 522. AUTHORITY FOR ADDITIONAL BEHAVIORAL**  
12 **HEALTH PROFESSIONALS TO CONDUCT PRE-**  
13 **SEPARATION MEDICAL EXAMS FOR POST-**  
14 **TRAUMATIC STRESS DISORDER.**

15 Section 1177(a) of title 10, United States Code, is  
16 amended—

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

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

1 **SEC. 523. AUTHORITY TO ACCEPT VOLUNTARY SERVICES**  
2 **TO ASSIST DEPARTMENT OF DEFENSE EF-**  
3 **FORTS TO ACCOUNT FOR MISSING PERSONS.**

4 Section 1501(a)(6) of title 10, United States Code,  
5 is amended by adding at the end the following new sub-  
6 paragraph:

7 “(D) Notwithstanding section 1342 of title 31, the  
8 Secretary of Defense may accept voluntary services pro-  
9 vided by individuals or non-Federal entities to further the  
10 purposes of this chapter.”.

11 **SEC. 524. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS**  
12 **OF THE ARMED FORCES UPON BIRTH OR**  
13 **ADOPTION OF A CHILD.**

14 Section 701 of title 10, United States Code, is  
15 amended—

16 (1) by striking subsections (i) and (j) and in-  
17 serting the following new subsection:

18 “(i)(1) A member of the armed forces who gives birth  
19 to a child or who adopts a child in a qualifying child adop-  
20 tion and will be primary caregiver for the adopted child  
21 shall receive 42 days of leave after the birth or adoption  
22 to be used in connection with the birth or adoption of the  
23 child.

24 “(2) A married member of the armed forces on active  
25 duty whose wife gives birth to a child or who adopts a  
26 child in a qualifying child adoption, but will not be pri-

1   mary caregiver for the adopted child, shall receive 10 days  
2   of leave to be used in connection with the birth or adoption  
3   of the child.

4       “(3) If two members of the armed forces who are  
5   married to each other adopt a child in a qualifying child  
6   adoption, only one of the members may be designated as  
7   primary caregiver for purposes of paragraph (1). In the  
8   case of a dual-military couple, the member authorized  
9   leave under paragraph (1) and the member authorized  
10   leave under paragraph (2) may utilize the leave at the  
11   same time.

12       “(4) For the purpose of this subsection, an adoption  
13   of a child by a member is a qualifying child adoption if  
14   the member is eligible for reimbursement of qualified  
15   adoption expenses for such adoption under section 1052  
16   of this title.

17       “(5) Leave authorized under this subsection is in ad-  
18   dition to other leave provided under other provisions of  
19   this section.

20       “(6) The Secretary of Defense may prescribe such  
21   regulations as may be necessary to carry out this sub-  
22   section.”; and

23               (2) by redesignating subsection (k) as sub-  
24   section (j).

1 **SEC. 525. COMMAND RESPONSIBILITY AND ACCOUNT-**  
2 **ABILITY FOR REMAINS OF MEMBERS OF THE**  
3 **ARMY, NAVY, AIR FORCE, AND MARINE CORPS**  
4 **WHO DIE OUTSIDE THE UNITED STATES.**

5 Not later than 60 days after the date of the enact-  
6 ment of this Act, the Secretary of Defense shall take such  
7 steps as may be necessary to ensure that there is contin-  
8 uous, designated military command responsibility and ac-  
9 countability for the care, handling, and transportation of  
10 the remains of each deceased member of the Army, Navy,  
11 Air Force, or Marine Corps who died outside the United  
12 States, beginning with the initial recovery of the remains,  
13 through the defense mortuary system, until the interment  
14 of the remains or the remains are otherwise accepted by  
15 the person designated as provided by section 1482(c) of  
16 title 10, United States Code, to direct disposition of the  
17 remains.

18 **SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GEN-**  
19 **DER-NEUTRAL OCCUPATIONAL STANDARDS**  
20 **FOR MILITARY OCCUPATIONAL SPECIALTIES**  
21 **CURRENTLY CLOSED TO WOMEN.**

22 Not later than 60 days after the date of the enact-  
23 ment of this Act, the Secretary of Defense shall submit  
24 to the congressional defense committees a report evalu-  
25 ating the feasibility of incorporating gender-neutral occu-  
26 pational standards for military occupational specialties

1 closed, as of the date of the enactment of this Act, to fe-  
2 male members of the Armed Forces.

3 **SEC. 527. COMPLIANCE WITH MEDICAL PROFILES ISSUED**  
4 **FOR MEMBERS OF THE ARMED FORCES.**

5 (a) COMPLIANCE REQUIREMENT.—The Secretary of  
6 a military department shall ensure that commanding offi-  
7 cers—

8 (1) do not prohibit or otherwise restrict the  
9 ability of physicians and other licensed health-care  
10 providers to issue a medical profile for a member of  
11 the Armed Forces; and

12 (2) comply with the terms of a medical profile  
13 issued to a member of the Armed Forces is assign-  
14 ing duties to the member.

15 (b) LIMITED WAIVER AUTHORITY.—The first general  
16 officer or flag officer in the chain of command of a mem-  
17 ber of the Armed Forces covered by a medical profile may  
18 authorize, on a case-by-case basis, a temporary waiver of  
19 the compliance requirement imposed by subsection (a)(2)  
20 if the officer determines that the assignment of duties to  
21 the member in violation of the terms of the medical profile  
22 is vital to ensuring the readiness of the member and the  
23 unit.

24 (c) MEDICAL PROFILE DEFINED.—In this section,  
25 the term “medical profile”, with respect to a member of

1 the Armed Forces, means a limitation imposed by a physi-  
 2 cian or other licensed health-care provider on the physical  
 3 activity of the member on account of an illness or injury  
 4 to facilitate the member's recovery or reduce the serious-  
 5 ness of the illness or injury.

## 6 **Subtitle D—Military Justice and** 7 **Legal Matters**

### 8 **SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE** 9 **ROLE OF STAFF JUDGE ADVOCATE TO THE** 10 **COMMANDANT OF THE MARINE CORPS.**

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

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

18 (2) by striking the second sentence and insert-  
 19 ing the following: “If the officer to be appointed as  
 20 the Staff Judge Advocate to the Commandant of the  
 21 Marine Corps holds a grade lower than the grade of  
 22 major general immediately before the appointment,  
 23 the officer shall be appointed in the grade of major  
 24 general.”.

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

2 Such section is further amended—

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

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

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

11 “(1) perform such duties relating to legal mat-  
12 ters arising in the Marine Corps as may be assigned  
13 to the Staff Judge Advocate;

14 “(2) perform the functions and duties, and ex-  
15 ercise the powers, prescribed for the Staff Judge Ad-  
16 vocate to the Commandant of the Marine Corps in  
17 chapters 47 (the Uniform Code of Military Justice)  
18 and 53 of this title; and

19 “(3) perform such other duties as may be as-  
20 signed to the Staff Judge Advocate.”.

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

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

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

3           “(4) The Staff Judge Advocate to the Com-  
 4           mandant of the Marine Corps.”.

5           (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

6           (1) ADMINISTRATION OF MILITARY JUSTICE.—

7           Section 806(a) of such title (article 6(a) of the Uni-  
 8           form Code of Military Justice) is amended in the  
 9           third sentence by striking “or senior members of his  
 10          staff” and inserting “, the Staff Judge Advocate to  
 11          the Commandant of the Marine Corps, or senior  
 12          members of their staffs”.

13          (2) DELIVERY OF LEGAL ASSISTANCE.—Section  
 14          1044(b) of such title is amended by inserting “and,  
 15          within the Marine Corps, the Staff Judge Advocate  
 16          to the Commandant of the Marine Corps” after “ju-  
 17          risdiction of the Secretary”.

18   **SEC. 532. PERSONS WHO MAY EXERCISE DISPOSITION AU-**  
 19                           **THORITY REGARDING CHARGES INVOLVING**  
 20                           **CERTAIN SEXUAL MISCONDUCT OFFENSES**  
 21                           **UNDER THE UNIFORM CODE OF MILITARY**  
 22                           **JUSTICE.**

23          (a) PERSONS WHO MAY EXERCISE DISPOSITION AU-  
 24          THORITY.—



1           (1) DISPOSITION AUTHORITY.—With respect to  
2           any charge under chapter 47 of title 10, United  
3           States Code (the Uniform Code of Military Justice)  
4           that alleges an offense specified in paragraph (2),  
5           the Secretary of Defense shall require the Secre-  
6           taries of the military departments to restrict disposi-  
7           tion authority under section 830 of such chapter (ar-  
8           ticle 30 of the Uniform Code of Military Justice) to  
9           officers of the Armed Forces who have the authority  
10          to convene special courts-martial under section 823  
11          of such chapter (article 23 of the Uniform Code of  
12          Military Justice), but no lower than the first colonel,  
13          or in the case of the Navy, the first captain, with  
14          a legal advisor (or access to a legal advisor) in the  
15          chain of command of the person accused of commit-  
16          ting the offense.

17          (2) COVERED OFFENSES.—Paragraph (1) ap-  
18          plies with respect to a charge that alleges any of the  
19          following offenses under chapter 47 of title 10,  
20          United States Code (the Uniform Code of Military  
21          Justice):

22                (A) Rape or sexual assault under sub-  
23                section (a) or (b) of section 920 of such chapter  
24                (article 120).

1 (B) Forcible sodomy under section 925 of  
2 such chapter (article 125).

3 (C) An attempt to commit an offense spec-  
4 ified in paragraph (1) or (2), as punishable  
5 under section 880 of such chapter (article 80).

6 (b) IMPLEMENTATION.—

7 (1) SERVICE SECRETARIES.—The Secretaries of  
8 the military departments shall revise policies and  
9 procedures as necessary to comply with subsection  
10 (a).

11 (2) SECRETARY OF DEFENSE.—Not later than  
12 180 days after the date of the enactment of this Act,  
13 the Secretary of Defense shall recommend such  
14 changes to the Manual for Courts-Martial as are  
15 necessary to ensure compliance with subsection (a).

16 (c) RECOMMENDATION OF ADDITIONAL CHANGES TO  
17 MANUAL FOR COURTS-MARTIAL OR UCMJ POLICY.—Not  
18 later than 180 days after the date of the enactment of  
19 this Act, the Secretary of Defense shall make rec-  
20 ommendations for additional changes to the Manual for  
21 Courts-Martial or to Department of Defense policies that  
22 would—

23 (1) ensure the consideration of the material  
24 facts regarding an alleged offense specified in sub-  
25 section (a)(2) or other sexual offense under sections

1       920 through 920c of title 10, United States Code  
2       (articles 120 through 120c of the Uniform Code of  
3       Military Justice) is given precedence over the consid-  
4       eration of the character of the military service of the  
5       person accused of the sexual offense; and

6               (2) require all commanders who receive a report  
7       or complaint alleging an offense specified in sub-  
8       section (a)(2) to refer the report or complaint to the  
9       Defense Criminal Investigative Service, Army Crimi-  
10      nal Investigative Command, Naval Criminal Inves-  
11      tigative Service, or Air Force Office of Special Inves-  
12      tigations, as the case may be.

13 **SEC. 533. INDEPENDENT REVIEW AND ASSESSMENT OF UNI-**  
14 **FORM CODE OF MILITARY JUSTICE AND JU-**  
15 **DICIAL PROCEEDINGS OF SEXUAL ASSAULT**  
16 **CASES.**

17       (a) INDEPENDENT REVIEW AND ASSESSMENT.—The  
18      Secretary of Defense shall establish an independent panel  
19      to conduct an independent review and assessment of judi-  
20      cial proceedings under the Uniform Code of Military Jus-  
21      tice involving sexual assault and related offenses for the  
22      purpose of developing potential improvements to such pro-  
23      ceedings.

24       (b) INDEPENDENT PANEL FOR REVIEW.—

1           (1) COMPOSITION.—The panel shall be com-  
2       posed of five members, appointed by the Secretary  
3       of Defense from among private United States citi-  
4       zens who have expertise in military law, civilian law,  
5       prosecution of sexual assaults in Federal criminal  
6       court, military justice policies, the missions of the  
7       Armed Forces, or offenses relating to rape, sexual  
8       assault, and other sexual misconduct under the Uni-  
9       form Code of Military Justice.

10          (2) CHAIR.—The chair of the panel shall be ap-  
11       pointed by the Secretary from among the members  
12       of the panel appointed under paragraph (1).

13          (3) PERIOD OF APPOINTMENT; VACANCIES.—  
14       Members shall be appointed for the life of the panel.  
15       Any vacancy in the panel shall be filled in the same  
16       manner as the original appointment.

17          (4) DEADLINE FOR APPOINTMENTS.—All origi-  
18       nal appointments to the panel shall be made not  
19       later than 120 days after the date of the enactment  
20       of this Act.

21          (5) MEETINGS.—The panel shall meet at the  
22       call of the chair.

23          (6) FIRST MEETING.—The chair shall call the  
24       first meeting of the panel not later than 60 days

1 after the date of the appointment of all the members  
2 of the panel.

3 (7) DURATION.—The panel shall expire on Sep-  
4 tember 30, 2017.

5 (c) DUTIES.—

6 (1) ANNUAL REPORT ON IMPLEMENTATION OF  
7 UCMJ AMENDMENTS.—The panel shall prepare an-  
8 nual reports regarding the implementation of the re-  
9 forms to the offenses relating to rape, sexual as-  
10 sault, and other sexual misconduct under the Uni-  
11 form Code of Military Justice enacted by section  
12 541 of the National Defense Authorization Act for  
13 Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
14 1404).

15 (2) REVIEW AND CONSULTATION.—In pre-  
16 paring the reports, the panel shall review, evaluate,  
17 and assess the following:

18 (A) The advisory sentencing guidelines  
19 given by judges in Federal courts and how  
20 those guidelines compare to advisory sentencing  
21 guidance provided to panels rendering punish-  
22 ments in court-martial proceedings, including  
23 whether it would be more beneficial for advisory  
24 sentencing guidelines to be provided to panels

1 or for discretion to be given to judges regarding  
2 whether to issue advisory sentencing guidelines.

3 (B) The punishments or administrative ac-  
4 tions taken in response to sexual assault court-  
5 martial proceedings, including the number of  
6 punishments or administrative actions taken as  
7 rendered by a panel and the number of punish-  
8 ments or administrative actions rendered by a  
9 judge and the consistency and proportionality of  
10 the decisions, punishments, and administrative  
11 actions to the facts of each case compared with  
12 Federal and State criminal courts.

13 (C) The court-martial convictions of sexual  
14 assaults in the year covered by the report and  
15 the number and description of instances when  
16 punishments were reduced upon appeal and the  
17 instances in which the defendant appealed fol-  
18 lowing a plea agreement, if such information is  
19 available.

20 (D) The number of instances in which the  
21 previous sexual conduct of the alleged victim  
22 was considered in Article 32 proceedings and  
23 any instances where previous sexual conduct  
24 was deemed to be inadmissible.

1           (E) The number of instances in which evi-  
2           dence of the previous sexual conduct of the al-  
3           leged victim was introduced by the defense in a  
4           court-martial what impact that evidence had on  
5           the case.

6           (F) The training level of defense and pros-  
7           ecution trial counsel, including an inventory of  
8           the experience of JAG lead trial counsel in each  
9           instance and any existing standards or require-  
10          ments for lead counsel, including their experi-  
11          ence in defending or prosecuting sexual assault  
12          and related offenses.

13          (G) Such other matters and materials as  
14          the panel considers appropriate for purposes of  
15          the reports.

16          (3) UTILIZATION OF OTHER STUDIES.—In pre-  
17          paring the reports, the panel may review, and incor-  
18          porate as appropriate, the findings of applicable on-  
19          going and completed studies.

20          (4) FIRST REPORT.—Not later than 180 days  
21          after its first meeting, the panel shall submit to the  
22          Secretary of Defense and the Committees on Armed  
23          Services of the Senate and the House of Representa-  
24          tives its first report under this subsection. The panel  
25          shall include proposals for such legislative or admin-

1        istrative action as the panel considers appropriate in  
2        light of its review.

3        (d) POWERS OF PANEL.—

4            (1) HEARINGS.—The panel may hold such  
5        hearings, sit and act at such times and places, take  
6        such testimony, and receive such evidence as the  
7        panel considers appropriate to carry out its duties  
8        under this section.

9            (2) INFORMATION FROM FEDERAL AGENCIES.—

10        Upon request by the chair of the panel, any depart-  
11        ment or agency of the Federal Government may pro-  
12        vide information that the panel considers necessary  
13        to carry out its duties under this section.

14        (e) PERSONNEL MATTERS.—

15            (1) PAY OF MEMBERS.—Members of the panel  
16        shall serve without pay by reason of their work on  
17        the panel.

18            (2) TRAVEL EXPENSES.—The members of the  
19        panel shall be allowed travel expenses, including per  
20        diem in lieu of subsistence, at rates authorized for  
21        employees of agencies under subchapter I of chapter  
22        57 of title 5, United States Code, while away from  
23        their homes or regular places of business in the per-  
24        formance or services for the panel.



1 **SEC. 534. COLLECTION AND RETENTION OF RECORDS ON**  
2 **DISPOSITION OF REPORTS OF SEXUAL AS-**  
3 **SAULT.**

4 (a) COLLECTION.—The Secretary of Defense shall re-  
5 quire that the Secretary of each military department es-  
6 tablish a record on the disposition of any report of sexual  
7 assault, whether such disposition is court martial, non-  
8 judicial punishment, or other administrative action. The  
9 record of any such disposition shall include the following,  
10 as appropriate:

11 (1) Documentary information collected about  
12 the incident reported, other than investigator case  
13 notes.

14 (2) Punishment imposed, including the sen-  
15 tencing by judicial or non-judicial means including  
16 incarceration, fines, restriction, and extra duty as a  
17 result of military court-martial, Federal and local  
18 court and other sentencing, or any other punishment  
19 imposed.

20 (3) Administrative actions taken, if any.

21 (4) Any pertinent referrals offered as a result  
22 of the incident (such as drug and alcohol counseling  
23 and other types of counseling or intervention).

24 (b) RETENTION.—The Secretary of Defense shall re-  
25 quire that—

1           (1) the records established pursuant to sub-  
2           section (a) be retained by the Department of De-  
3           fense for a period of not less than 20 years; and

4           (2) a copy of such records be maintained at a  
5           centralized location for the same period as applies to  
6           retention of the records under paragraph (1).

7   **SEC. 535. BRIEFING, PLAN, AND RECOMMENDATIONS RE-**  
8                   **GARDING EFFORTS TO PREVENT AND RE-**  
9                   **SPOND TO HAZING INCIDENTS INVOLVING**  
10                  **MEMBERS OF THE ARMED FORCES.**

11          (a) BRIEFING AND PLAN REQUIRED.—Not later than  
12   May 1, 2013, the Secretary of Defense (and the Secretary  
13   of Homeland Security in the case of the Coast Guard)  
14   shall provide to the Committees on Armed Services of the  
15   Senate and House of Representatives a briefing and plan  
16   that outlines efforts by the Department of Defense and  
17   the Coast Guard—

18           (1) to prevent the hazing of members of the  
19   Armed Forces by other members of the Armed  
20   Forces; and

21           (2) to respond to and resolve alleged hazing in-  
22   cidents involving members of the Armed Forces, in-  
23   cluding the prosecution of offenders through the use  
24   of punitive articles under subchapter X of chapter

1        47 of title 10, United States Code (the Uniform  
2        Code of Military Justice).

3        (b) DATABASE.—The plan required by subsection (a)  
4 shall include the establishment of a database for the pur-  
5 pose of improving the ability of the Department of De-  
6 fense and the Coast Guard—

7            (1) to determine the extent to which hazing in-  
8        cidents involving members of the Armed Forces are  
9        occurring and the nature of such hazing incidents;  
10       and

11           (2) to track, respond to, and resolve hazing in-  
12       cidents involving members of the Armed Forces.

13        (c) RECOMMENDATIONS.—As part of the briefing re-  
14 quired by subsection (a), the Secretary of Defense (and  
15 the Secretary of Homeland Security in the case of the  
16 Coast Guard) shall submit such recommendations for  
17 changes to the Uniform Code of Military Justice and the  
18 Manual for Courts-Martial as the Secretaries consider nec-  
19 essary to improve the prosecution of hazing incidents.

20        (d) CONSULTATION.—The Secretary of Defense shall  
21 prepare the plan, database, and recommendations required  
22 by this section in consultation with the Secretaries of the  
23 military departments.

24        (e) TRANSFER OF VICTIMS OF HAZING IN THE  
25 ARMED FORCES.—The Secretary concerned (as defined in

1 section 101(a)(9) of title 10, United States Code) shall  
2 develop and implement a procedure to transfer a member  
3 of that branch of the Armed Forces who has been the vic-  
4 tim of a substantiated incident of hazing to another unit  
5 in such branch of the Armed Forces.

6 (f) HAZING DESCRIBED.—For purposes of carrying  
7 out this section, the Secretary of Defense (and the Sec-  
8 retary of Homeland Security in the case of the Coast  
9 Guard) shall use the definition of hazing contained in the  
10 August 28, 1997, Secretary of Defense Policy Memo-  
11 randum, which defined hazing as any conduct whereby a  
12 member of the Armed Forces, regardless of branch or  
13 rank, without proper authority causes another member to  
14 suffer, or be exposed to, any activity which is cruel, abu-  
15 sive, humiliating, oppressive, demeaning, or harmful. So-  
16 liciting or coercing another person to perpetrate any such  
17 activity is also considered hazing. Hazing need not involve  
18 physical contact among or between members of the Armed  
19 Forces. Hazing can be verbal or psychological in nature.  
20 Actual or implied consent to acts of hazing does not elimi-  
21 nate the culpability of the perpetrator.

22 (g) ANNUAL REPORTING REQUIREMENT.—

23 (1) IN GENERAL.—The database required by  
24 subsection (b) shall be used to develop and imple-  
25 ment an annual congressional report.

1           (2) REPORTS REQUIRED.—Not later than Janu-  
2       ary 15 of each year, the Secretary of Defense and  
3       the Secretary of Homeland Security (with respect to  
4       the Coast Guard) shall submit to the designated  
5       congressional committees a report on the hazing in-  
6       cidents involving members of the Armed Forces dur-  
7       ing the preceding year.

8           (3) ELEMENTS.—Each report shall include the  
9       following:

10           (A) an assessment by the Secretaries of  
11       the implementation during the preceding year  
12       of the policies and procedures of each Armed  
13       Force on the prevention of and response to haz-  
14       ing involving members of the Armed Forces in  
15       order to determine the effectiveness of such  
16       policies and procedures.

17           (B) Data on the number of alleged and  
18       substantiated hazing incidents within each  
19       Armed Force that occurred that year, including  
20       the race, gender and Armed Force of the victim  
21       and offender, the nature of the hazing, and ac-  
22       tions taken to resolve and address the hazing.

23       (h) COMPTROLLER GENERAL REPORT.—

24           (1) REPORT REQUIRED.—Not later than one  
25       year after the date of enactment of this Act, the

1 Comptroller General of the United States shall sub-  
2 mit to the designated congressional committees a re-  
3 port on the policies to prevent hazing and systems  
4 initiated to track incidents of hazing in each of the  
5 Armed Forces, including officer cadet schools, mili-  
6 tary academies, military academy preparatory  
7 schools, and basic training and professional schools  
8 for enlisted members.

9 (2) ELEMENTS.—The report required by para-  
10 graph (1) shall include the following:

11 (A) An evaluation of the definition of haz-  
12 ing used pursuant to subsection (e).

13 (B) A description of the criteria used, and  
14 the methods implemented, in the systems to  
15 track incidents of hazing in the Armed Forces.

16 (C) An assessment of the following:

17 (i) The scope of hazing in each Armed  
18 Force.

19 (ii) The policies in place and the  
20 training on hazing provided to members  
21 throughout the course of their careers for  
22 each Armed Force.

23 (iii) The actions taken to mitigate  
24 hazing incidents in each Armed Force.

1 (iv) The effectiveness of the training  
2 and policies in place regarding hazing.

3 (v) The number of alleged and sub-  
4 stantiated incidents of hazing over the last  
5 five years for each Armed Force, the na-  
6 ture of these cases and actions taken to  
7 address such matters through non-judicial  
8 and judicial action.

9 (D) An evaluation of the additional ac-  
10 tions, if any, the Secretary of Defense and the  
11 Secretary of Homeland Security propose to take  
12 to further address the incidence of hazing in  
13 the Armed Forces.

14 (E) Such recommendations as the Comp-  
15 troller General considers appropriate for im-  
16 proving hazing prevention programs, policies,  
17 and other actions taken to address hazing with-  
18 in the Armed Forces.

19 (i) DESIGNATED CONGRESSIONAL COMMITTEES DE-  
20 FINED.—In subsections (f) and (g), the term “designated  
21 congressional committees” means—

22 (1) the Committee on Armed Services, the  
23 Committee on Oversight and Government Reform,  
24 and the Committee on Commerce, Science and  
25 Transportation of the Senate; and

1           (2) the Committee on Armed Services, the  
2           Committee on Oversight and Government Reform,  
3           and the Committee on Transportation and Infra-  
4           structure of the House of Representatives.

5 **SEC. 536. PROTECTION OF RIGHTS OF CONSCIENCE OF**  
6 **MEMBERS OF THE ARMED FORCES AND**  
7 **CHAPLAINS OF SUCH MEMBERS.**

8           (a) PROTECTION.—Chapter 53 of title 10, United  
9 States Code, is amended by inserting after section 1034  
10 the following new section:

11 **“§ 1034a. Protection of rights of conscience of mem-**  
12 **bers of the Armed Forces and chaplains**  
13 **of such members**

14           “(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The  
15 Armed Forces shall accommodate the conscience and sin-  
16 cerely held moral principles and religious beliefs of the  
17 members of the Armed Forces concerning the appropriate  
18 and inappropriate expression of human sexuality and may  
19 not use such conscience, principles, or beliefs as the basis  
20 of any adverse personnel action, discrimination, or denial  
21 of promotion, schooling, training, or assignment. Nothing  
22 in this subsection precludes disciplinary action for conduct  
23 that is proscribed by chapter 47 of this title (the Uniform  
24 Code of Military Justice).



1       “(b) PROTECTION OF CHAPLAINS.—(1) For purposes  
2 of this title, a military chaplain is—

3           “(A) a certified religious leader or clergy of a  
4 faith community who, after satisfying the profes-  
5 sional and educational requirements of the commis-  
6 sioning service, is commissioned as an officer in the  
7 Chaplains Corps of one of the branches of the  
8 Armed Forces; and

9           “(B) a representative of the faith group of the  
10 chaplain, who remains accountable to the endorsing  
11 faith group for the religious ministry involved to  
12 members of the Armed Forces, to—

13           “(i) provide for the religious and spiritual needs  
14 of members of the Armed Forces of that faith group;  
15 and

16           “(ii) facilitate the religious needs of members of  
17 the Armed Forces of other faith groups.

18       “(2) No member of the Armed Forces may—

19           “(A) direct, order, or require a chaplain to per-  
20 form any duty, rite, ritual, ceremony, service, or  
21 function that is contrary to the conscience, moral  
22 principles, or religious beliefs of the chaplain, or con-  
23 trary to the moral principles and religious beliefs of  
24 the endorsing faith group of the chaplain; or

1           “(B) discriminate or take any adverse personnel  
2           action against a chaplain, including denial of pro-  
3           motion, schooling, training, or assignment, on the  
4           basis of the refusal by the chaplain to comply with  
5           a direction, order, or requirement prohibited by sub-  
6           paragraph (A).

7           “(c) REGULATIONS.—The Secretary of Defense shall  
8           issue regulations implementing the protections afforded by  
9           this section.”.

10          (b) CLERICAL AMENDMENT.—The table of sections  
11          at the beginning of chapter 53 of title 10, United States  
12          Code, is amended by inserting after the item relating to  
13          section 1034 the following new item:

            “1034a. Protection of rights of conscience of members of the Armed Forces and  
            chaplains of such members.”.

14          **SEC. 537. USE OF MILITARY INSTALLATIONS AS SITES FOR**  
15                               **MARRIAGE CEREMONIES OR MARRIAGE-LIKE**  
16                               **CEREMONIES.**

17          A military installation or other property owned or  
18          rented by, or otherwise under the jurisdiction or control  
19          of, the Department of Defense may not be used to offi-  
20          ciate, solemnize, or perform a marriage or marriage-like  
21          ceremony involving anything other than the union of one  
22          man with one woman.

1 **SEC. 538. COORDINATION BETWEEN YELLOW RIBBON RE-**  
2 **INTEGRATION PROGRAM AND SMALL BUSI-**  
3 **NESS DEVELOPMENT CENTERS.**

4 The Office for Reintegration Programs shall assist  
5 each State to coordinate services under the Yellow Ribbon  
6 Reintegration Program under section 582 of the National  
7 Defense Authorization Act of 2008 (10 U.S.C. 10101  
8 note) with Small Business Development Centers (as de-  
9 fined in section 3(t) of the Small Business Act) in each  
10 State.

11 **Subtitle E—Member Education and**  
12 **Training Opportunities and Ad-**  
13 **ministration**

14 **SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM**  
15 **FROM DEPARTMENT OF EDUCATION TO DE-**  
16 **PARTMENT OF DEFENSE AND ENHANCE-**  
17 **MENTS TO THE PROGRAM.**

18 (a) TRANSFER OF FUNCTIONS.—

19 (1) TRANSFER.—The responsibility and author-  
20 ity for operation and administration of the Troops-  
21 to-Teachers Program in chapter A of subpart 1 of  
22 part C of title II of the Elementary and Secondary  
23 Education Act of 1965 (20 U.S.C. 6671 et seq.) is  
24 transferred from the Secretary of Education to the  
25 Secretary of Defense.

1           (2) EFFECTIVE DATE.—The transfer under  
 2       paragraph (1) shall take effect on the first day of  
 3       the first month beginning more than 90 days after  
 4       the date of the enactment of this Act, or on such  
 5       earlier date as the Secretary of Education and the  
 6       Secretary of Defense may jointly provide.

7       (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE  
 8 10, UNITED STATES CODE.—

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

12   **“§ 1154. Assistance to eligible members and former**  
 13               **members to obtain employment as teach-**  
 14               **ers: troops-to-teachers program**

15       “(a) DEFINITIONS.—In this section:

16           “(1) CHARTER SCHOOL.—The term ‘charter  
 17       school’ has the meaning given that term in section  
 18       5210(1) of the Elementary and Secondary Edu-  
 19       cation Act of 1965 (20 U.S.C. 7221i(1)).

20           “(2) ELIGIBLE SCHOOL.—The term ‘eligible  
 21       school’ means—

22               “(A) a public school, including a charter  
 23       school, at which—

24                   “(i) at least 30 percent of the stu-  
 25       dents enrolled in the school are from fami-

1           lies with incomes below 185 percent of pov-  
2           erty level (as defined by the Office of Man-  
3           agement and Budget and revised at least  
4           annually in accordance with section 9(b)(1)  
5           of the Richard B. Russell National School  
6           Lunch Act (42 U.S.C. 1758(b)(1)) applica-  
7           ble to a family of the size involved; or

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

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

15          “(3) HIGH-NEED SCHOOL.—The term ‘high-  
16          need school’ means—

17               “(A) an elementary or middle school in  
18               which at least 50 percent of the enrolled stu-  
19               dents are children from low-income families,  
20               based on the number of children eligible to for  
21               free and reduced priced lunches under the Rich-  
22               ard B. Russell National School Lunch Act (42  
23               U.S.C. 1751 et seq.), the number of children in  
24               families receiving assistance under the State  
25               program funded under part A of title IV of the

1 Social Security Act (42 U.S.C. 601 et seq.), the  
2 number of children eligible to receive medical  
3 assistance under the Medicaid program, or a  
4 composite of these indicators;

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

9 “(C) a school that is in a local educational  
10 agency that is eligible under section 6211(b) of  
11 the Elementary and Secondary Education Act  
12 of 1965 (20 U.S.C. 7345(b)).

13 “(4) MEMBER OF THE ARMED FORCES.—The  
14 term ‘member of the armed forces’ includes a retired  
15 or former member of the armed forces.

16 “(5) PARTICIPANT.—The term ‘participant’  
17 means an eligible member of the armed forces se-  
18 lected to participate in the Program.

19 “(6) PROGRAM.—The term ‘Program’ means  
20 the Troops-to-Teachers Program authorized by this  
21 section.

22 “(7) SECRETARY.—The term ‘Secretary’ means  
23 the Secretary of Defense.

24 “(8) ADDITIONAL TERMS.—The terms ‘elemen-  
25 tary school’, ‘local educational agency’, ‘secondary

1 school', and 'State' have the meanings given those  
2 terms in section 9101 of the Elementary and Sec-  
3 ondary Education Act of 1965 (20 U.S.C. 7801).

4 “(b) PROGRAM AUTHORIZATION.—The Secretary of  
5 Defense may carry out a Troops-to-Teachers Program—

6 “(1) to assist eligible members of the armed  
7 forces described in subsection (d) to obtain certifi-  
8 cation or licensing as elementary school teachers,  
9 secondary school teachers, or career or technical  
10 teachers; and

11 “(2) to facilitate the employment of such mem-  
12 bers—

13 “(A) by local educational agencies or char-  
14 ter schools that the Secretary of Education  
15 identifies as—

16 “(i) receiving grants under part A of  
17 title I of the Elementary and Secondary  
18 Education Act of 1965 (20 U.S.C. 6301  
19 et. seq.) as a result of having within their  
20 jurisdictions concentrations of children  
21 from low-income families; or

22 “(ii) experiencing a shortage of teach-  
23 ers, in particular a shortage of science,  
24 mathematics, special education, foreign

1 language, or career or technical teachers;  
2 and

3 “(B) in elementary schools or secondary  
4 schools, or as career or technical teachers.

5 “(c) COUNSELING AND REFERRAL SERVICES.—The  
6 Secretary may provide counseling and referral services to  
7 members of the armed forces who do not meet the eligi-  
8 bility criteria described in subsection (d), including the  
9 education qualification requirements under paragraph  
10 (3)(B) of such subsection.

11 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

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

15 “(A) Any member who—

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

19 “(ii) has an approved date of retire-  
20 ment that is within one year after the date  
21 on which the member submits an applica-  
22 tion to participate in the Program; or

23 “(iii) has been transferred to the Re-  
24 tired Reserve.



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

3                   “(i)(I) is separated or released from  
4                   active duty after four or more years of con-  
5                   tinuous active duty immediately before the  
6                   separation or release; or

7                   “(II) has completed a total of at least  
8                   six years of active duty service, six years of  
9                   service computed under section 12732 of  
10                  this title, or six years of any combination  
11                  of such service; and

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

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

18           “(2) SUBMISSION OF APPLICATIONS.—(A) Se-  
19           lection of eligible members of the armed forces to  
20           participate in the Program shall be made on the  
21           basis of applications submitted to the Secretary  
22           within the time periods specified in subparagraph  
23           (B). An application shall be in such form and con-  
24           tain such information as the Secretary may require.

1           “(B) In the case of an eligible member of the  
2           armed forces described in subparagraph (A)(i), (B),  
3           or (C) of paragraph (1), an application shall be con-  
4           sidered to be submitted on a timely basis under if  
5           the application is submitted not later than three  
6           years after the date on which the member is retired,  
7           separated, or released from active duty, whichever  
8           applies to the member.

9           “(3) SELECTION CRITERIA; EDUCATIONAL  
10          BACKGROUND REQUIREMENTS; HONORABLE SERVICE  
11          REQUIREMENT.—(A) The Secretary shall prescribe  
12          the criteria to be used to select eligible members of  
13          the armed forces to participate in the Program.

14          “(B) If a member of the armed forces is apply-  
15          ing for the Program to receive assistance for place-  
16          ment as an elementary school or secondary school  
17          teacher, the Secretary shall require the member to  
18          have received a baccalaureate or advanced degree  
19          from an accredited institution of higher education.

20          “(C) If a member of the armed forces is apply-  
21          ing for the Program to receive assistance for place-  
22          ment as a career or technical teacher, the Secretary  
23          shall require the member—

24                  “(i) to have received the equivalent of one  
25                  year of college from an accredited institution of

1 higher education or the equivalent in military  
2 education and training as certified by the De-  
3 partment of Defense; or

4 “(ii) to otherwise meet the certification or  
5 licensing requirements for a career or technical  
6 teacher in the State in which the member seeks  
7 assistance for placement under the Program.

8 “(D) A member of the armed forces is eligible  
9 to participate in the Program only if the member’s  
10 last period of service in the armed forces was honor-  
11 able, as characterized by the Secretary concerned. A  
12 member selected to participate in the Program be-  
13 fore the retirement of the member or the separation  
14 or release of the member from active duty may con-  
15 tinue to participate in the Program after the retire-  
16 ment, separation, or release only if the member’s  
17 last period of service is characterized as honorable  
18 by the Secretary concerned.

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

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

23 “(i) have educational or military expe-  
24 rience in science, mathematics, special edu-

1 cation, foreign language, or career or tech-  
2 nical subjects; and

3 “(ii) agree to seek employment as  
4 science, mathematics, foreign language, or  
5 special education teachers in elementary  
6 schools or secondary schools or in other  
7 schools under the jurisdiction of a local  
8 educational agency; and

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

11 “(5) OTHER CONDITIONS ON SELECTION.—(A)

12 Subject to subsection (i), the Secretary may not se-  
13 lect an eligible member of the armed forces to par-  
14 ticipate in the Program and receive financial assist-  
15 ance unless the Secretary has sufficient appropria-  
16 tions for the Program available at the time of the  
17 selection to satisfy the obligations to be incurred by  
18 the United States under subsection (e) with respect  
19 to the member.

20 “(B) The Secretary may not select an eligible  
21 member of the armed forces described in paragraph  
22 (1)(B)(i) to participate in the Program and receive  
23 financial assistance under subsection (e) unless the  
24 member executes a written agreement to serve as a  
25 member of the Selected Reserve of a reserve compo-

1       nent of the armed forces for a period of not less  
2       than three years.

3       “(e) PARTICIPATION AGREEMENT AND FINANCIAL  
4 ASSISTANCE.—

5               “(1) PARTICIPATION AGREEMENT.—(A) An eli-  
6       gible member of the armed forces selected to partici-  
7       pate in the Program under subsection (b) and to re-  
8       ceive financial assistance under this subsection shall  
9       be required to enter into an agreement with the Sec-  
10      retary in which the member agrees—

11               “(i) within such time as the Secretary may  
12      require, to obtain certification or licensing as an  
13      elementary school teacher, secondary school  
14      teacher, or career or technical teacher; and

15               “(ii) to accept an offer of full-time employ-  
16      ment as an elementary school teacher, sec-  
17      ondary school teacher, or career or technical  
18      teacher for not less than three school years in  
19      an eligible school to begin the school year after  
20      obtaining that certification or licensing.

21               “(B) The Secretary may waive the three-year  
22      commitment described in subparagraph (A)(ii) for a  
23      participant if the Secretary determines such waiver  
24      to be appropriate. If the Secretary provides the  
25      waiver, the participant shall not be considered to be

1 in violation of the agreement and shall not be re-  
2 quired to provide reimbursement under subsection  
3 (f), for failure to meet the three-year commitment.

4 “(2) VIOLATION OF PARTICIPATION AGREE-  
5 MENT; EXCEPTIONS.—A participant shall not be  
6 considered to be in violation of the participation  
7 agreement entered into under paragraph (1) during  
8 any period in which the participant—

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

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

14 “(C) is temporarily totally disabled for a  
15 period of time not to exceed three years as es-  
16 tablished by sworn affidavit of a qualified physi-  
17 cian;

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

21 “(E) is unable to find full-time employ-  
22 ment as a teacher in an elementary school or  
23 secondary school or as a career or technical  
24 teacher for a single period not to exceed 27  
25 months; or

1           “(F) satisfies the provisions of additional  
2 reimbursement exceptions that may be pre-  
3 scribed by the Secretary.

4           “(3) STIPEND AND BONUS FOR PARTICI-  
5 PANTS.—(A) Subject to subparagraph (C), the Sec-  
6 retary may pay to a participant a stipend to cover  
7 expenses incurred by the participant to obtain the  
8 required educational level, certification or licensing.  
9 Such stipend may not exceed \$5,000 and may vary  
10 by participant.

11           “(B)(i) Subject to subparagraph (C), the Sec-  
12 retary may pay a bonus to a participant who agrees  
13 in the participation agreement under paragraph (1)  
14 to accept full-time employment as an elementary  
15 school teacher, secondary school teacher, or career  
16 or technical teacher for not less than three school  
17 years in an eligible school.

18           “(ii) The amount of the bonus may not exceed  
19 \$5,000, unless the eligible school is a high-need  
20 school, in which case the amount of the bonus may  
21 not exceed \$10,000. Within such limits, the bonus  
22 may vary by participant and may take into account  
23 the priority placements as determined by the Sec-  
24 retary.

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

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

7           “(iii) A participant may not receive a stipend  
8           under subparagraph (A) if the participant is eligible  
9           for benefits under chapter 33 of title 38.

10          “(iv) The combination of a stipend under sub-  
11          paragraph (A) and a bonus under subparagraph (B)  
12          for any one participant may not exceed \$10,000.

13          “(4) TREATMENT OF STIPEND AND BONUS.—A  
14          stipend or bonus paid under this subsection to a  
15          participant shall be taken into account in deter-  
16          mining the eligibility of the participant for Federal  
17          student financial assistance provided under title IV  
18          of the Higher Education Act of 1965 (20 U.S.C.  
19          1070 et seq.).

20          “(f) REIMBURSEMENT UNDER CERTAIN CIR-  
21 CUMSTANCES.—

22          “(1) REIMBURSEMENT REQUIRED.—A partici-  
23          pant who is paid a stipend or bonus under this sub-  
24          section shall be subject to the repayment provisions



1 of section 373 of title 37 under the following cir-  
2 cumstances:

3 “(A) The participant fails to obtain teach-  
4 er certification or licensing or to obtain employ-  
5 ment as an elementary school teacher, sec-  
6 ondary school teacher, or career or technical  
7 teacher as required by the participation agree-  
8 ment under subsection (e)(1).

9 “(B) The participant voluntarily leaves, or  
10 is terminated for cause from, employment as an  
11 elementary school teacher, secondary school  
12 teacher, or career or technical teacher during  
13 the three years of required service in violation  
14 of the participation agreement.

15 “(C) The participant executed a written  
16 agreement with the Secretary concerned under  
17 subsection (d)(5)(B) to serve as a member of a  
18 reserve component of the armed forces for a pe-  
19 riod of three years and fails to complete the re-  
20 quired term of service.

21 “(2) AMOUNT OF REIMBURSEMENT.—A partici-  
22 pant required to reimburse the Secretary for a sti-  
23 pend or bonus paid to the participant under sub-  
24 section (e) shall pay an amount that bears the same  
25 ratio to the amount of the stipend or bonus as the

1 unserved portion of required service bears to the  
2 three years of required service.

3 “(3) INTEREST.—Any amount owed by a par-  
4 ticipant under this subsection shall bear interest at  
5 the rate equal to the highest rate being paid by the  
6 United States on the day on which the reimburse-  
7 ment is determined to be due for securities having  
8 maturities of 90 days or less and shall accrue from  
9 the day on which the participant is first notified of  
10 the amount due.

11 “(4) EXCEPTIONS TO REIMBURSEMENT RE-  
12 QUIREMENT.—A participant shall be excused from  
13 reimbursement under this subsection if the partici-  
14 pant becomes permanently totally disabled as estab-  
15 lished by sworn affidavit of a qualified physician.  
16 The Secretary may also waive the reimbursement in  
17 cases of extreme hardship to the participant, as de-  
18 termined by the Secretary.

19 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE  
20 UNDER MONTGOMERY GI BILL.—Except as provided in  
21 subsection (e)(3)(C)(iii), the receipt by a participant of a  
22 stipend or bonus under subsection (e) shall not reduce or  
23 otherwise affect the entitlement of the participant to any  
24 benefits under chapter 30 or 33 of title 38 or chapter 1606  
25 of this title.

1 “(h) PARTICIPATION BY STATES.—

2 “(1) DISCHARGE OF STATE ACTIVITIES  
3 THROUGH CONSORTIA OF STATES.—The Secretary  
4 may permit States participating in the Program to  
5 carry out activities authorized for such States under  
6 the Program through one or more consortia of such  
7 States.

8 “(2) ASSISTANCE TO STATES.—(A) Subject to  
9 subparagraph (B), the Secretary may make grants  
10 to States participating in the Program, or to con-  
11 sortia of such States, in order to permit such States  
12 or consortia of States to operate offices for purposes  
13 of recruiting eligible members of the armed forces  
14 for participation in the Program and facilitating the  
15 employment of participants as elementary school  
16 teachers, secondary school teachers, and career or  
17 technical teachers.

18 “(B) The total amount of grants made under  
19 subparagraph (A) in any fiscal year may not exceed  
20 \$5,000,000.

21 “(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGA-  
22 TIONS.—The total amount obligated by the Secretary  
23 under the Program for any fiscal year may not exceed  
24 \$15,000,000.”.

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

          “1154. Assistance to eligible members and former members to obtain employ-  
          ment as teachers: Troops-to-Teachers Program.”.

4           (c) CONFORMING AMENDMENT.—Subparagraph (C)  
5           of section 1142(b)(4) of such title is amended by striking  
6           “section 2302” and all that follows through the end of  
7           the subparagraph and inserting “under section 1154 of  
8           this title.”.

9           (d) TERMINATION OF DEPARTMENT OF EDUCATION  
10          TROOPS-TO-TEACHERS PROGRAM.—

11          (1) TERMINATION.—Chapter A of subpart 1 of  
12          part C of title II of the Elementary and Secondary  
13          Education Act of 1965 (20 U.S.C. 6671 et seq.) is  
14          repealed.

15          (2) CLERICAL AMENDMENT.—The table of con-  
16          tents in section 2 of the Elementary and Secondary  
17          Education Act 1965 is amended by striking the  
18          items relating to chapter A of subpart 1 of part C  
19          of title II of such Act.

20          (3) EXISTING AGREEMENTS.—The repeal of  
21          chapter A of subpart 1 of part C of title II of the  
22          Elementary and Secondary Education Act of 1965  
23          (20 U.S.C. 6671 et seq.) by paragraph (1) shall not  
24          affect—

1 (A) the validity or terms of any agreement  
2 entered into under such chapter, as in effect  
3 immediately before such repeal, before the ef-  
4 fective date of the transfer of the Troops-to-  
5 Teachers Program under subsection (a); or

6 (B) the authority to pay assistance, make  
7 grants, or obtain reimbursement in connection  
8 with such an agreement as in effect before the  
9 effective date of the transfer of the Troops-to-  
10 Teachers Program under subsection (a).

11 **SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND**  
12 **PHYSICAL FITNESS PROGRAMS.**

13 (a) **AUTHORITY TO SUPPORT PROGRAMS.**—Chapter  
14 603 of title 10, United States Code, is amended by adding  
15 at the end the following new section:

16 **“§ 6981. Support of athletic and physical fitness pro-**  
17 **grams**

18 “(a) **AUTHORITY.**—The Secretary of the Navy may  
19 enter into agreements, including cooperative agreements  
20 (as described in section 6305 of title 31), with the Naval  
21 Academy Athletic Association and its successors and as-  
22 signs (in this section referred to as the ‘association’) to  
23 manage any aspect of the athletic and physical fitness pro-  
24 grams of the Naval Academy.

1       “(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIA-  
2 TION.—(1) The Secretary of the Navy may to transfer  
3 funds to the association to pay expenses incurred by the  
4 association in managing the athletic and physical fitness  
5 programs of the Naval Academy.

6       “(2) The Secretary may provide personal property  
7 and the services of members of the naval service and civil-  
8 ian personnel of the Department of the Navy to assist the  
9 association in managing the athletic and physical fitness  
10 programs of the Naval Academy.

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

16       “(d) RECEIPT AND RETENTION OF FUNDS FROM AS-  
17 SOCIATION AND OTHER SOURCES.—(1) The Secretary of  
18 the Navy may receive from the association funds gen-  
19 erated by the athletic and physical fitness programs of the  
20 Naval Academy and any other activity of the association  
21 and to retain and use such funds to further the mission  
22 of the Naval Academy. Receipt and retention of such  
23 funds shall be subject to oversight by the Secretary.

24       “(2) The Secretary may accept, use, and retain funds  
25 from the National Collegiate Athletic Association and to

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

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

10 “(f) LICENSING, MARKETING, AND SPONSORSHIP  
11 AGREEMENTS.—(1) The Secretary of the Navy may enter  
12 into an agreement with the association authorizing the as-  
13 sociation to represent the Department of the Navy in con-  
14 nection with licensing, marketing, and sponsorship agree-  
15 ments relating to trademarks and service marks identi-  
16 fying the Naval Academy, to the extent authorized by the  
17 Chief of Naval Research and in accordance with sections  
18 2260 and 5022 of this title.

19 “(2) Notwithstanding section 2260(d)(2) of this title,  
20 any funds generated by the licensing, marketing, and  
21 sponsorship under a agreement entered into under para-  
22 graph (1) may be accepted, used, and retained by the Sec-  
23 retary, or transferred by the Secretary to the association,  
24 for—

1           “(A) payment of the costs of securing trade-  
2           mark registrations and operating of licensing pro-  
3           grams; or

4           “(B) supporting the athletic and physical fit-  
5           ness programs of the Naval Academy.

6           “(g) AUTHORIZED SERVICE ON BOARD OF DIREC-  
7           TORS.—The Secretary may authorize members of the  
8           naval service and civilian personnel of the Department of  
9           the Navy to serve in accordance with sections 1033 and  
10          1589 of this title as members of the governing board of  
11          the association.

12          “(h) CONDITIONS.—The authority provided in this  
13          section with respect to the association is available only so  
14          long as the association continues—

15               “(1) to qualify as a nonprofit organization  
16               under section 501(c)(3) of the Internal Revenue  
17               Code of 1986;

18               “(2) to operate in accordance with this section,  
19               the laws of the State of Maryland, and the constitu-  
20               tion and bylaws of the association; and

21               “(3) to operate exclusively to support the ath-  
22               letic and physical fitness programs of the Naval  
23               Academy.

24          “(i) CONGRESSIONAL NOTIFICATION.—Not later  
25          than 60 days after the date on which the Secretary of the



1 Navy enters into an agreement under the authority of this  
2 section, the Secretary shall provide a copy of the agree-  
3 ment to the congressional defense committees.”.

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:

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

7 **SEC. 543. DEPARTMENT OF DEFENSE INSPECTOR GENERAL**  
8 **REVIEW OF ACCESS TO MILITARY INSTALLA-**  
9 **TIONS BY REPRESENTATIVES OF FOR-PROFIT**  
10 **EDUCATIONAL INSTITUTIONS.**

11 (a) REVIEW REQUIRED.—The Inspector General of  
12 the Department of Defense shall conduct a review to de-  
13 termine the extent of the access that representatives of  
14 for-profit educational institutions have to military installa-  
15 tions and whether there are adequate safeguards in place  
16 to regulate such access.

17 (b) ELEMENTS OF REVIEW.—The review shall deter-  
18 mine at a minimum the following:

19 (1) The extent to which representatives of for-  
20 profit educational institutions are accessing military  
21 installations for marketing and recruitment pur-  
22 poses.

23 (2) Whether there uniform and robust enforce-  
24 ment of DOD Directive 1344.07.

1           (3) Whether additional Department rules, poli-  
2           cies, or oversight mechanisms should be put in place  
3           to regulate such practices.

4           (c) INSPECTOR GENERAL ACCESS.—The Secretary of  
5           Defense shall ensure that the Inspector General has access  
6           to all Department of Defense records and military installa-  
7           tions for the purpose of conducting the review.

8   **SEC. 544. EXPANSION OF DEPARTMENT OF DEFENSE PILOT**  
9                   **PROGRAM ON RECEIPT OF CIVILIAN**  
10                   **CREDENTIALING FOR MILITARY OCCUPA-**  
11                   **TIONAL SPECIALTY SKILLS.**

12          (a) EXPANSION OF PROGRAM.—Subsection (b)(1) of  
13          section 558 of the National Defense Authorization Act for  
14          Fiscal Year 2012 (10 U.S.C. 2015 note) is amended by  
15          striking “or more than five”.

16          (b) USE OF INDUSTRY-RECOGNIZED CERTIFI-  
17          CATIONS.—Subsection (b) of such section is further  
18          amended—

19               (1) by striking “and” at the end of paragraph  
20               (1);

21               (2) by redesignating paragraph (2) as para-  
22               graph (3); and

23               (3) by inserting after paragraph (1) the fol-  
24               lowing new paragraph:

“(2) consider utilizing industry-recognized certifications or licensing opportunities for civilian occupational skills comparable to the specialties or codes so designated; and”.

## **Subtitle F—Decorations and Awards**

### **SEC. 551. ISSUANCE OF PRISONER-OF-WAR MEDAL.**

Section 1128(a)(4) of title 10, United States Code, is amended by striking “that are hostile to the United States,”.

### **SEC. 552. AWARD OF PURPLE HEART TO MEMBERS OF THE ARMED FORCES WHO WERE VICTIMS OF THE ATTACKS AT RECRUITING STATION IN LITTLE ROCK, ARKANSAS, AND AT FORT HOOD, TEXAS.**

(a) AWARD REQUIRED.—The Secretary of the 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.

1 **SEC. 553. ADVANCEMENT OF BRIGADIER GENERAL**  
2 **CHARLES E. YEAGER, UNITED STATES AIR**  
3 **FORCE (RETIRED), ON THE RETIRED LIST.**

4 (a) **ADVANCEMENT.**—Brigadier General Charles E.  
5 Yeager, United States Air Force (retired), is entitled to  
6 hold the rank of major general while on the retired list  
7 of the Air Force.

8 (b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The  
9 advancement of Charles E. Yeager on the retired list of  
10 the Air Force under subsection (a) shall not affect the re-  
11 tired pay or other benefits from the United States to  
12 which Charles E. Yeager is now or may in the future be  
13 entitled based upon his military service or affect any bene-  
14 fits to which any other person may become entitled based  
15 on his service.

16 **SEC. 554. AUTHORIZATION FOR AWARD OF THE MEDAL OF**  
17 **HONOR TO FIRST LIEUTENANT ALONZO H.**  
18 **CUSHING FOR ACTS OF VALOR DURING THE**  
19 **CIVIL WAR.**

20 (a) **AUTHORIZATION.**—Notwithstanding the time lim-  
21 itations specified in section 3744 of title 10, United States  
22 Code, or any other time limitation with respect to the  
23 awarding of certain medals to persons who served in the  
24 Armed Forces, the President is authorized to award the  
25 Medal of Honor under section 3741 of such title to then  
26 First Lieutenant Alonzo H. Cushing for conspicuous acts

1 of gallantry and intrepidity at the risk of life and beyond  
2 the call of duty in the Civil War, as described in subsection  
3 (b).

4 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
5 referred to in subsection (a) are the actions of then First  
6 Lieutenant Alonzo H. Cushing while in command of Bat-  
7 tery A, 4th United States Artillery, Army of the Potomac,  
8 at Gettysburg, Pennsylvania, on July 3, 1863, during the  
9 American Civil War.

10 **SEC. 555. RETROACTIVE AWARD OF ARMY COMBAT ACTION**  
11 **BADGE.**

12 (a) AUTHORITY TO AWARD.—The Secretary of the  
13 Army may award the Army Combat Action Badge (estab-  
14 lished by order of the Secretary of the Army through  
15 Headquarters, Department of the Army Letter 600–05–  
16 1, dated June 3, 2005) to a person who, while a member  
17 of the Army, participated in combat during which the per-  
18 son personally engaged, or was personally engaged by, the  
19 enemy at any time during the period beginning on Decem-  
20 ber 7, 1941, and ending on September 18, 2001 (the date  
21 of the otherwise applicable limitation on retroactivity for  
22 the award of such decoration), if the Secretary determines  
23 that the person has not been previously recognized in an  
24 appropriate manner for such participation.

1       (b) PROCUREMENT OF BADGE.—The Secretary of  
2 the Army may make arrangements with suppliers of the  
3 Army Combat Action Badge so that eligible recipients of  
4 the Army Combat Action Badge pursuant to subsection  
5 (a) may procure the badge directly from suppliers, thereby  
6 eliminating or at least substantially reducing administra-  
7 tive costs for the Army to carry out this section.

8       **SEC. 556. REPORT ON NAVY REVIEW, FINDINGS, AND AC-**  
9                               **TIONS PERTAINING TO MEDAL OF HONOR**  
10                              **NOMINATION OF MARINE CORPS SERGEANT**  
11                              **RAFAEL PERALTA.**

12       Not later than 30 days after the date of the enact-  
13 ment of this Act, the Secretary of the Navy shall submit  
14 to the Committees on Armed Services of the Senate and  
15 House of Representatives a report describing the Navy re-  
16 view, findings, and actions pertaining to the Medal of  
17 Honor nomination of Marine Corps Sergeant Rafael  
18 Peralta. The report shall account for all evidence sub-  
19 mitted with regard to the case.

1 **Subtitle G—Defense Dependents’**  
2 **Education and Military Family**  
3 **Readiness Matters**

4 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**  
5 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**  
6 **PENDENTS OF MEMBERS OF THE ARMED**  
7 **FORCES AND DEPARTMENT OF DEFENSE CI-**  
8 **VILIAN EMPLOYEES.**

9 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT  
10 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the  
11 amount authorized to be appropriated for fiscal year 2013  
12 by section 301 and available for operation and mainte-  
13 nance for Defense-wide activities as specified in the fund-  
14 ing table in section 4301, \$25,000,000 shall be available  
15 only for the purpose of providing assistance to local edu-  
16 cational agencies under subsection (a) of section 572 of  
17 the National Defense Authorization Act for Fiscal Year  
18 2006 (Public Law 109–163; 20 U.S.C. 7703b).

19 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT  
20 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE  
21 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-  
22 thorized to be appropriated for fiscal year 2013 by section  
23 301 and available for operation and maintenance for De-  
24 fense-wide activities as specified in the funding table in  
25 section 4301, \$5,000,000 shall be available only for the

1 purpose of providing assistance to local educational agen-  
2 cies under subsection (b) of section 572 of the National  
3 Defense Authorization Act for Fiscal Year 2006 (Public  
4 Law 109–163; 20 U.S.C. 7703b).

5 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In  
6 this section, the term “local educational agency” has the  
7 meaning given that term in section 8013(9) of the Ele-  
8 mentary and Secondary Education Act of 1965 (20 U.S.C.  
9 7713(9)).

10 **SEC. 562. TRANSITIONAL COMPENSATION FOR DEPENDENT**  
11 **CHILDREN WHO WERE CARRIED DURING**  
12 **PREGNANCY AT THE TIME OF DEPENDENT-**  
13 **ABUSE OFFENSE COMMITTED BY AN INDI-**  
14 **VIDUAL WHILE A MEMBER OF THE ARMED**  
15 **FORCES.**

16 (a) DEFINITION OF DEPENDENT CHILD.—Sub-  
17 section (l) of section 1059 of title 10, United States Code,  
18 is amended in the matter preceding paragraph (1) by  
19 striking “at the time of the dependent-abuse offense re-  
20 sulting in the separation of the former member” and in-  
21 serting “or eligible spouse or former spouse at the time  
22 of the dependent-abuse offense resulting in the separation  
23 of the former member or who was carried during preg-  
24 nancy at the time of the dependent-abuse offense resulting



1 in the separation of the former member and was subse-  
2 quently born alive to the eligible spouse or former spouse”.

3 (b) DETERMINATION OF PAYMENT AMOUNT.—Sub-  
4 section (f) of such section is amended by adding at the  
5 end the following new paragraph:

6 “(4) A payment to a child under this section shall  
7 not cover any period during which the child was in utero.”.

8 (c) PROSPECTIVE APPLICABILITY.—No benefits shall  
9 accrue by reason of the amendments made by this section  
10 for any month that begins before the date of the enact-  
11 ment of this Act.

12 **SEC. 563. MODIFICATION OF AUTHORITY TO ALLOW DE-**  
13 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**  
14 **ENT ELEMENTARY AND SECONDARY**  
15 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

16 Section 2164 of title 10, United States Code, is  
17 amended by adding at the end the following new sub-  
18 sections:

19 “(k) ENROLLMENT OF RELOCATED DEFENSE DE-  
20 PENDENTS’ EDUCATION SYSTEM STUDENTS.—(1) The  
21 Secretary of Defense may authorize the enrollment in a  
22 Department of Defense education program provided by  
23 the Secretary pursuant to subsection (a) of a dependent  
24 of a member of the armed forces or a dependent of a Fed-  
25 eral employee who is enrolled in the defense dependents’

1 education system established under section 1402 of the  
2 Defense Dependents' Education Act of 1978 (20 U.S.C.  
3 921) if—

4           “(A) the dependents departed the overseas loca-  
5 tion as a result of a evacuation order;

6           “(B) the designated safe haven of the depend-  
7 ent is located within reasonable commuting distance  
8 of a school operated by the Department of Defense  
9 education program; and

10           “(C) the school possesses the capacity and re-  
11 sources necessary to enable the student to attend the  
12 school.

13           “(2) A dependent described in paragraph (1) who is  
14 enrolled in a school operated by the Department of De-  
15 fense education program pursuant to such paragraph may  
16 attend the school only through the end of the school year.

17           “(1) ENROLLMENT IN VIRTUAL ELEMENTARY AND  
18 SECONDARY EDUCATION PROGRAM.—(1) Under regula-  
19 tions prescribed by the Secretary of Defense, the Secretary  
20 may authorize the enrollment in the virtual elementary  
21 and secondary education program established as a compo-  
22 nent of the Department of Defense education program of  
23 a dependent of a member of the armed forces on active  
24 duty who—

1           “(A) is enrolled in an elementary or secondary  
 2           school operated by a local educational agency or an-  
 3           other accredited educational program in the United  
 4           States (other than a school operated by the Depart-  
 5           ment of Defense education program); and

6           “(B) immediately before such enrollment, was  
 7           enrolled in the defense dependents’ education system  
 8           established under section 1402 of the Defense De-  
 9           pendents’ Education Act of 1978 (20 U.S.C. 921).

10          “(2) Enrollment of a dependent described in para-  
 11       graph (1) pursuant to such paragraph shall be on a tuition  
 12       basis.”.

13       **SEC. 564. PROTECTION OF CHILD CUSTODY ARRANGE-**  
 14                               **MENTS FOR PARENTS WHO ARE MEMBERS OF**  
 15                               **THE ARMED FORCES.**

16          (a) CHILD CUSTODY PROTECTION.—Title II of the  
 17       Servicemembers Civil Relief Act (50 U.S.C. App. 521 et  
 18       seq.) is amended by adding at the end the following new  
 19       section:

20       **“SEC. 208. CHILD CUSTODY PROTECTION.**

21          “(a) RESTRICTION ON TEMPORARY CUSTODY  
 22       ORDER.—If a court renders a temporary order for custo-  
 23       dial responsibility for a child based solely on a deployment  
 24       or anticipated deployment of a parent who is a service-  
 25       member, then the court shall require that, upon the return

1 of the servicemember from deployment, the custody order  
2 that was in effect immediately preceding the temporary  
3 order shall be reinstated, unless the court finds that such  
4 a reinstatement is not in the best interest of the child,  
5 except that any such finding shall be subject to subsection  
6 (b).

7 “(b) EXCLUSION OF MILITARY SERVICE FROM DE-  
8 TERMINATION OF CHILD’S BEST INTEREST.—If a motion  
9 or a petition is filed seeking a permanent order to modify  
10 the custody of the child of a servicemember, no court may  
11 consider the absence of the servicemember by reason of  
12 deployment, or the possibility of deployment, in deter-  
13 mining the best interest of the child.

14 “(c) NO FEDERAL JURISDICTION OR RIGHT OF AC-  
15 TION OR REMOVAL.—Nothing in this section shall create  
16 a Federal right of action or otherwise give rise to Federal  
17 jurisdiction or create a right of removal.

18 “(d) PREEMPTION.—In any case where State law ap-  
19 plicable to a child custody proceeding involving a tem-  
20 porary order as contemplated in this section provides a  
21 higher standard of protection to the rights of the parent  
22 who is a deploying servicemember than the rights provided  
23 under this section with respect to such temporary order,  
24 the appropriate court shall apply the higher State stand-  
25 ard.

1       “(e) DEPLOYMENT DEFINED.—In this section, the  
 2 term ‘deployment’ means the movement or mobilization of  
 3 a servicemember to a location for a period of longer than  
 4 60 days and not longer than 18 months pursuant to tem-  
 5 porary or permanent official orders—

6               “(1) that are designated as unaccompanied;

7               “(2) for which dependent travel is not author-  
 8 ized; or

9               “(3) that otherwise do not permit the move-  
 10 ment of family members to that location.”.

11       (b) CLERICAL AMENDMENT.—The table of contents  
 12 in section 1(b) of such Act is amended by adding at the  
 13 end of the items relating to title II the following new item:  
       “208. Child custody protection.”.

14 **SEC. 565. TREATMENT OF RELOCATION OF MEMBERS OF**  
 15 **THE ARMED FORCES FOR ACTIVE DUTY FOR**  
 16 **PURPOSES OF MORTGAGE REFINANCING.**

17       (a) IN GENERAL.—Title III of the Servicemembers  
 18 Civil Relief Act is amended by inserting after section 303  
 19 (50 U.S.C. App. 533) the following new section:

20 **“SEC. 303A. TREATMENT OF RELOCATION OF**  
 21 **SERVICEMEMBERS FOR ACTIVE DUTY FOR**  
 22 **PURPOSES OF MORTGAGE REFINANCING.**

23       “(a) TREATMENT OF ABSENCE FROM RESIDENCE  
 24 DUE TO ACTIVE DUTY.—While a servicemember who is  
 25 the mortgagor under an existing mortgage does not reside

1 in the residence that secures the existing mortgage be-  
2 cause of a relocation described in subsection (c)(1)(B), if  
3 the servicemember inquires about or applies for a covered  
4 refinancing mortgage, the servicemember shall be consid-  
5 ered, for all purposes relating to the covered refinancing  
6 mortgage (including such inquiry or application and eligi-  
7 bility for, and compliance with, any underwriting criteria  
8 and standards regarding such covered refinancing mort-  
9 gage) to occupy the residence that secures the existing  
10 mortgage to be paid or prepaid by such covered refi-  
11 nancing mortgage as the principal residence of the service-  
12 member during the period of such relocation.

13 “(b) LIMITATION.—Subsection (a) shall not apply  
14 with respect to a servicemember who inquires about or ap-  
15 plies for a covered refinancing mortgage if, during the 5-  
16 year period preceding the date of such inquiry or applica-  
17 tion, the servicemember entered into a covered refinancing  
18 mortgage pursuant to this section.

19 “(c) DEFINITIONS.—In this section:

20 “(1) EXISTING MORTGAGE.—The term ‘existing  
21 mortgage’ means a mortgage that is secured by a 1-  
22 to 4-family residence, including a condominium or a  
23 share in a cooperative ownership housing associa-  
24 tion, that was the principal residence of a service-  
25 member for a period that—

1           “(A) had a duration of 13 consecutive  
2 months or longer; and

3           “(B) ended upon the relocation of the serv-  
4 icemember caused by the servicemember receiv-  
5 ing military orders for a permanent change of  
6 station or to deploy with a military unit, or as  
7 an individual in support of a military operation,  
8 for a period of not less than 18 months that did  
9 not allow the servicemember to continue to oc-  
10 cupy such residence as a principal residence.

11           “(2) COVERED REFINANCING MORTGAGE.—The  
12 term ‘covered refinancing mortgage’ means any  
13 mortgage that—

14           “(A) is made for the purpose of paying or  
15 prepaying, and extinguishing, the outstanding  
16 obligations under an existing mortgage or mort-  
17 gages; and

18           “(B) is secured by the same residence that  
19 secured such existing mortgage or mortgages.”.

20           (b) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of such Act is amended by inserting after  
22 the item relating to section 303 the following new item:

“303A. Treatment of relocation of servicemembers for active duty for purposes  
of mortgage refinancing.”.

1 **SEC. 566. SENSE OF CONGRESS REGARDING SUPPORT FOR**  
2 **YELLOW RIBBON DAY.**

3 (a) FINDINGS.—Congress makes the following find-  
4 ings:

5 (1) The hopes and prayers of the American peo-  
6 ple for the safe return of members of the Armed  
7 Forces serving overseas are demonstrated through  
8 the proud display of yellow ribbons.

9 (2) The designation of a “Yellow Ribbon Day”  
10 would serve as an additional reminder for all Ameri-  
11 cans of the continued sacrifice of members of the  
12 Armed Forces.

13 (3) Yellow Ribbon Day would also recognize the  
14 history and meaning of the Yellow Ribbon as the  
15 symbol of support for members of the Armed Forces  
16 and American civilians serving in combat or crisis  
17 situations overseas.

18 (b) SENSE OF CONGRESS.—Congress supports the  
19 goals and ideals of Yellow Ribbon Day, observed on April  
20 9th each year, in honor of members of the Armed Forces  
21 and American civilians who are serving overseas in defense  
22 of the United States apart from their families and loved  
23 ones.



1 **Subtitle H—Improved Sexual As-**  
2 **sault Prevention and Response**  
3 **in the Armed Forces**

4 **SEC. 571. ESTABLISHMENT OF SPECIAL VICTIM TEAMS TO**  
5 **RESPOND TO ALLEGATIONS OF CHILD**  
6 **ABUSE, SERIOUS DOMESTIC VIOLENCE, OR**  
7 **SEXUAL OFFENSES.**

8 (a) ESTABLISHMENT REQUIRED.—The Secretary of  
9 each military department shall establish special victim  
10 teams for the purpose of—

11 (1) investigating and prosecuting allegations of  
12 child abuse, serious domestic violence, or sexual of-  
13 fenses; and

14 (2) providing support for the victims of such of-  
15 fenses.

16 (b) PERSONNEL.—A special victim team shall be  
17 comprised of specially trained and selected—

18 (1) investigators from the Defense Criminal In-  
19 vestigative Service, Army Criminal Investigative  
20 Command, Naval Criminal Investigative Service, or  
21 Air Force Office of Special Investigations;

22 (2) judge advocates;

23 (3) victim witness assistance personnel; and

24 (4) administrative paralegal support personnel.

1       (c) TRAINING, SELECTION, AND CERTIFICATION  
2 STANDARDS.—The Secretary of each military department  
3 shall prescribe standards for the training, selection, and  
4 certification of personnel for special victim teams estab-  
5 lished by that Secretary.

6       (d) TIME FOR ESTABLISHMENT.—

7           (1) DISCRETION REGARDING NUMBER OF  
8 TEAMS NEEDED.—The Secretary of a military de-  
9 partment shall determine the total number of special  
10 victim teams to be established, and prescribe regula-  
11 tions for their management and use, in order to pro-  
12 vide effective, timely, and responsive world-wide sup-  
13 port for the purposes described in subsection (a).  
14 Not later than 270 days after the date of the enact-  
15 ment of this Act, each Secretary shall submit to the  
16 Committees on Armed Services of the Senate and  
17 the House of Representatives a plan and time line  
18 for the establishment of the special victim teams  
19 that the Secretary has determined are needed.

20           (2) INITIAL TEAM.—Not later than one year  
21 after the date of the enactment of this Act, the Sec-  
22 retary of each military department shall have avail-  
23 able for use at least one special victim team.

24       (e) EVALUATION OF EFFECTIVENESS.—Not later  
25 than 180 days after the date of the enactment of this Act,

1 the Secretary of Defense shall prescribe the common cri-  
2 teria to be used by the Secretaries of the military depart-  
3 ments to measure the effectiveness and impact of the spe-  
4 cial victim teams from the investigative, prosecutorial, and  
5 victim’s perspectives, and require the Secretaries of the  
6 military departments to collect and report the data re-  
7 quired by the Secretary of Defense.

8 (f) SPECIAL VICTIM TEAM DEFINED.—In this sec-  
9 tion, the term “special victim team” means a distinct, rec-  
10 ognizable group of appropriately skilled professionals who  
11 work collaboratively to achieve the purposes described in  
12 subsection (a). This section does not require that a special  
13 victim team be created as separate military unit or have  
14 a separate chain of command.

15 **SEC. 572. ENHANCEMENT TO TRAINING AND EDUCATION**  
16 **FOR SEXUAL ASSAULT PREVENTION AND RE-**  
17 **SPONSE.**

18 Section 585 of the National Defense Authorization  
19 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
20 1434) is amended by adding at the end the following new  
21 subsections:

22 “(d) COMMANDERS’ TRAINING.—The Secretary of  
23 Defense shall provide for the inclusion of a sexual assault  
24 prevention and response training module in the training  
25 for new or prospective commanders at all levels of com-

1 mand. The training shall be tailored to the responsibilities  
2 and leadership requirements of members of the Armed  
3 Forces as they are assigned to command positions. Such  
4 training shall include the following:

5 “(1) Fostering a command climate that does  
6 not tolerate sexual assault.

7 “(2) Fostering a command climate in which  
8 persons assigned to the command are encouraged to  
9 intervene to prevent potential incidents of sexual as-  
10 sault.

11 “(3) Fostering a command climate that encour-  
12 ages victims of sexual assault to report any incident  
13 of sexual assault.

14 “(4) Understanding the needs of, and the re-  
15 sources available to, the victim after an incident of  
16 sexual assault.

17 “(5) Use of military criminal investigative orga-  
18 nizations for the investigation of alleged incidents of  
19 sexual assault.

20 “(6) Available disciplinary options, including  
21 court-martial, non-judicial punishment, administra-  
22 tive action, and deferral of discipline for collateral  
23 misconduct, as appropriate.

24 “(e) EXPLANATION TO BE INCLUDED IN INITIAL  
25 ENTRY AND ACCESSION TRAINING.—

1           “(1) REQUIREMENT.—The Secretary of De-  
 2       fense shall require that the matters specified in  
 3       paragraph (2) be carefully explained to each member  
 4       of the Army, Navy, Air Force, and Marine Corps at  
 5       the time of (or within fourteen duty days after)—

6           “(A) the member’s initial entrance on ac-  
 7       tive duty; or

8           “(B) the member’s initial entrance into a  
 9       duty status with a reserve component.

10          “(2) MATTERS TO BE EXPLAINED.—This sub-  
 11       section applies with respect to the following:

12          “(A) Department of Defense policy with  
 13       respect to sexual assault.

14          “(B) The resources available with respect  
 15       to sexual assault reporting and prevention and  
 16       the procedures to be followed by a member  
 17       seeking to access those resources.”.

18 **SEC. 573. ENHANCEMENT TO REQUIREMENTS FOR AVAIL-**  
 19 **ABILITY OF INFORMATION ON SEXUAL AS-**  
 20 **SAULT PREVENTION AND RESPONSE RE-**  
 21 **SOURCES.**

22       (a) REQUIRED POSTING OF INFORMATION ON SEX-  
 23       UAL ASSAULT PREVENTION AND RESPONSE RE-  
 24       SOURCES.—

1           (1) POSTING.—The Secretary of Defense shall  
2           require that there be prominently posted, in accord-  
3           ance with paragraph (2), notice of the following in-  
4           formation relating to sexual assault prevention and  
5           response, in a form designed to ensure visibility and  
6           understanding:

7                   (A) Resource information for members of  
8                   the Armed Forces, military dependents, and ci-  
9                   vilian personnel of the Department of Defense  
10                  with respect to prevention of sexual assault and  
11                  reporting of incidents of sexual assault.

12                  (B) Contact information for personnel who  
13                  are designated as Sexual Assault Response Co-  
14                  ordinators and Sexual Assault Victim Advo-  
15                  cates.

16                  (C) The Department of Defense “hotline”  
17                  telephone number, referred to as the Safe  
18                  Helpline, for reporting incidents of sexual as-  
19                  sault, or any successor operation.

20           (2) POSTING PLACEMENT.—Posting under sub-  
21           section (a) shall be at the following locations, to the  
22           extent practicable:

23                   (A) Any Department of Defense duty facil-  
24                   ity.

1 (B) Any Department of Defense dining fa-  
2 cility.

3 (C) Any Department of Defense multi-unit  
4 residential facility.

5 (D) Any Department of Defense health  
6 care facility.

7 (E) Any Department of Defense com-  
8 missary or exchange.

9 (F) Any Department of Defense Commu-  
10 nity Service Agency.

11 (G) Any Department of Defense website.

12 (b) NOTICE TO VICTIMS OF AVAILABLE ASSIST-  
13 ANCE.—The Secretary of Defense shall require that proce-  
14 dures in the Department of Defense for responding to a  
15 complaint or allegation of sexual assault submitted by or  
16 against a member of the Armed Forces include prompt  
17 notice to the person making the complaint or allegation  
18 of the forms of assistance available to that person from  
19 the Department of Defense and, to the extent known to  
20 the Secretary, through other departments and agencies,  
21 including State and local agencies, and other sources.

1 **SEC. 574. MODIFICATION OF ANNUAL DEPARTMENT OF DE-**  
2 **FENSE REPORTING REQUIREMENTS REGARD-**  
3 **ING SEXUAL ASSAULTS.**

4 (a) GREATER DETAIL IN CASE SYNOPSES PORTION  
5 OF REPORT.—Section 1631 of the Ike Skelton National  
6 Defense Authorization Act for Fiscal Year 2011 (Public  
7 Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(f) ADDITIONAL DETAILS FOR CASE SYNOPSES  
11 PORTION OF REPORT.—The Secretary of each military de-  
12 partment shall include in the case synopses portion of each  
13 report described in subsection (b)(3) the following addi-  
14 tional information:

15 “(1) If an Article 32 Investigating Officer rec-  
16 ommends dismissal of the charges against a member  
17 of the Armed Forces accused of committing a sexual  
18 assault, the case synopsis shall explicitly state the  
19 reasons for that recommendation.

20 “(2) If the case synopsis states that a member  
21 of the Armed Forces accused of committing a sexual  
22 assault was administratively separated or, in the  
23 case of an officer, allowed to resign in lieu of facing  
24 a court martial, the case synopsis shall include the  
25 characterization (honorable, general, or other than



1       honorable) given the service of the member upon  
2       separation.

3               “(3) The case synopsis shall indicate whether a  
4       member of the Armed Forces accused of committing  
5       a sexual assault was ever previously accused of a  
6       substantiated sexual assault.

7               “(4) The case synopsis shall indicate the branch  
8       of the Armed Forces of each member accused of  
9       committing a sexual assault and the branch of the  
10      Armed Forces of each member who is a victim of a  
11      sexual assault.

12              “(5) If the case disposition includes non-judicial  
13      punishment, the case synopsis shall explicitly state  
14      the nature of the punishment.

15              “(6) If alcohol was involved in any way in a  
16      substantiated sexual assault incident, the case syn-  
17      opsis shall specify whether the member of the Armed  
18      Forces accused of committing the sexual assault had  
19      previously been ordered to attend substance abuse  
20      counseling.”.

21      (b) APPLICATIONS FOR CERTAIN TRANSFERS BY  
22      SEXUAL ASSAULT VICTIMS.—Subsection (b) of such sec-  
23      tion is amended by adding at the end the following new  
24      paragraph:

1           “(7) The number of applications submitted  
2           under section 673 of title 10, United States Code,  
3           during the year covered by the report for a perma-  
4           nent change of station or unit transfer for members  
5           of the Armed Forces on active duty who are the vic-  
6           tim of a sexual assault or related offense, the num-  
7           ber of applications denied, and, for each application  
8           denied, a description of the reasons why the applica-  
9           tion was denied.”.

10          (c) APPLICATION OF AMENDMENTS.—The amend-  
11       ments made by this section shall apply beginning with the  
12       report regarding sexual assaults involving members of the  
13       Armed Forces required to be submitted by March 1, 2013,  
14       under section 1631 of the Ike Skelton National Defense  
15       Authorization Act for Fiscal Year 2011.

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

19       Effective with the report required to be submitted by  
20       March 1, 2013, under section 1631 of the Ike Skelton Na-  
21       tional Defense Authorization Act for Fiscal Year 2011  
22       (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561  
23       note), the Secretary of each military department shall in-  
24       clude in each annual report required by that section infor-  
25       mation on sexual harassment involving members of the

1 Armed Forces under the jurisdiction of that Secretary  
2 during the preceding year. For purposes of complying with  
3 this section, the Secretary of the military department con-  
4 cerned shall apply subsection (b) of such section 1631 by  
5 substituting the term “sexual harassment” for “sexual as-  
6 sault” each place it appears in paragraphs (1) through  
7 (4) of such subsection.

8 **SEC. 576. CONTINUED SUBMISSION OF PROGRESS REPORTS**  
9 **REGARDING CERTAIN INCIDENT INFORMA-**  
10 **TION MANAGEMENT TOOLS.**

11 (a) **REPORTS REQUIRED.**—Not later than August 28,  
12 2012, and every six months thereafter until the date deter-  
13 mined under subsection (b), the Secretary of Defense shall  
14 submit to the Committees on Armed Services of the Sen-  
15 ate and the House of Representatives a report describing  
16 the progress made during the previous six months to en-  
17 sure that both of the following are fully functional and  
18 operational:

19 (1) The Defense Incident-Based Reporting Sys-  
20 tem.

21 (2) The Defense Sexual Assault Incident Data-  
22 base.

23 (b) **DURATION OF REPORTING REQUIREMENT.**—The  
24 reporting requirement imposed by subsection (a) shall con-  
25 tinue until the date on which the Secretary of Defense

1 certifies, in a report submitted under such subsection,  
2 that—

3           (1) the Defense Incident-Based Reporting Sys-  
4       tem and the Defense Sexual Assault Incident Data-  
5       base are fully functional and operational throughout  
6       the Department of Defense; and

7           (2) each of the military departments is using  
8       the Defense Incident-Based Reporting System or  
9       providing data for inclusion in the Defense Sexual  
10      Assault Incident Database.

11      (c) REPEAL OF SUPERSEDED REPORTING REQUIRE-  
12      MENT.—Section 598 of the National Defense Authoriza-  
13      tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
14      Stat. 2345; 10 U.S.C. 113 note) is repealed.

15      **SEC. 577. BRIEFINGS ON DEPARTMENT OF DEFENSE AC-**  
16                                   **TIONS REGARDING SEXUAL ASSAULT PRE-**  
17                                   **VENTION AND RESPONSE IN THE ARMED**  
18                                   **FORCES.**

19      Not later than October 31, 2012, and April 30, 2013,  
20      the Secretary of Defense (or the designee of the Secretary  
21      of Defense) shall provide to the Committees on Armed  
22      Services of the Senate and House of Representatives a  
23      briefing that outlines efforts by the Department of De-  
24      fense to implement—

1 (1) subtitle H of title V of the National Defense  
2 Authorization Act for Fiscal Year 2012 (Public Law  
3 112–81; 125 Stat. 1430) and the amendments made  
4 by that subtitle;

5 (2) the additional initiatives announced by the  
6 Secretary of Defense on April 17, 2012, to address  
7 sexual assault involving members of the Armed  
8 Forces; and

9 (3) any other initiatives, policies, or programs  
10 being undertaken by the Secretary of Defense and  
11 the Secretaries of the military departments to ad-  
12 dress sexual assault involving members of the Armed  
13 Forces.

14 **SEC. 578. ARMED FORCES WORKPLACE AND GENDER RELA-**  
15 **TIONS SURVEYS.**

16 (a) **ADDITIONAL CONTENT OF SURVEYS.**—Sub-  
17 section (c) of section 481 of title 10, United States Code,  
18 is amended—

19 (1) by striking “harassment and discrimina-  
20 tion” and inserting “harassment, assault, and dis-  
21 crimination”;

22 (2) by redesignating paragraphs (2) and (3) as  
23 paragraphs (3) and (4); respectively;

24 (3) by inserting after paragraph (1) the fol-  
25 lowing new paragraph (2):

1           “(2) The specific types of assault that have oc-  
2           curred, and the number of times each respondent  
3           has been assaulted during the preceding year.”;

4           (4) in paragraph (4), as so redesignated, by  
5           striking “discrimination” and inserting “discrimina-  
6           tion, harassment, and assault”; and

7           (5) by adding at the end the following new  
8           paragraph

9           “(5) Any other issues relating to discrimination,  
10          harassment, or assault as the Secretary of Defense  
11          considers appropriate.”.

12          (b) TIME FOR CONDUCTING OF SURVEYS.—Such sec-  
13          tion is further amended—

14               (1) in subsection (a)(1), by striking “four quad-  
15               rennial surveys (each in a separate year)” and in-  
16               serting “four surveys”; and

17               (2) by striking subsection (d) and inserting the  
18               following new subsection:

19               “(d) WHEN SURVEYS REQUIRED.—(1) One of the  
20               two Armed Forces Workplace and Gender Relations Sur-  
21               veys shall be conducted in 2014 and then every second  
22               year thereafter and the other Armed Forces Workplace  
23               and Gender Relations Survey shall be conducted in 2015  
24               and then every second year thereafter, so that one of the  
25               two surveys is being conducted each year.

1       “(2) The two Armed Forces Workplace and Equal  
2 Opportunity Surveys shall be conducted at least once every  
3 four years. The two surveys may not be conducted in the  
4 same year.”.

5 **SEC. 579. REQUIREMENT FOR COMMANDERS TO CONDUCT**  
6 **ANNUAL ORGANIZATIONAL CLIMATE ASSESS-**  
7 **MENTS.**

8       (a) REQUIREMENT.—The Secretary of Defense shall  
9 require the commander of each covered unit to conduct  
10 an organizational climate assessment within 120 days  
11 after the commander assumes command and annually  
12 thereafter.

13       (b) DEFINITIONS.—In this section:

14           (1) COVERED UNIT.—The term “covered unit”  
15 means any organizational element of the Armed  
16 Forces (other than the Coast Guard) with more than  
17 50 members assigned, including any such element of  
18 a reserve component.

19           (2) ORGANIZATIONAL CLIMATE ASSESSMENT.—  
20 The term “organizational climate assessment”  
21 means an assessment intended to obtain information  
22 about the positive and negative factors that may  
23 have an impact on unit effectiveness and readiness  
24 by measuring matters relating to human relations

1 climate such as prevention and response to sexual  
2 assault and equal opportunity.

3 **SEC. 580. ADDITIONAL REQUIREMENTS FOR ORGANIZA-**  
4 **TIONAL CLIMATE ASSESSMENTS.**

5 (a) ELEMENTS OF ASSESSMENTS.—An organiza-  
6 tional climate assessment shall include avenues for mem-  
7 bers of the Armed Forces to express their views on how  
8 their leaders, including commanders, are responding to al-  
9 legations of sexual assault and complaints of sexual har-  
10 assment. The Secretary of Defense shall require the Office  
11 of Diversity Management and Equal Opportunity and the  
12 Sexual Assault Prevention and Response Office to ensure  
13 equal opportunity advisors and officers of the Sexual As-  
14 sault Prevention and Response Office are available to con-  
15 duct these assessments.

16 (b) ENSURING COMPLIANCE.—

17 (1) IN GENERAL.—The Secretary of Defense  
18 shall direct the Secretaries of the military depart-  
19 ments to verify and track the compliance of com-  
20 manding officers in conducting organizational cli-  
21 mate assessments.

22 (2) IMPLEMENTATION.—No later than 90 days  
23 after the date of the enactment of this Act, the Sec-  
24 retary of Defense shall submit to the Committees on



1 Armed Services of the Senate and House of Rep-  
2 resentatives a report containing—

3 (A) a description of the progress of the de-  
4 velopment of the system that will verify and  
5 track the compliance of commanding officers in  
6 conducting organizational climate assessments;  
7 and

8 (B) an estimate of when the system will be  
9 completed and implemented.

10 (c) CONSULTATION.—In developing the sexual har-  
11 assment and sexual assault portion of an organizational  
12 climate assessment, the Secretary of Defense shall consult  
13 with representatives of the following:

14 (1) The Sexual Assault Prevention and Re-  
15 sponse Office.

16 (2) The Office of Diversity Management.

17 (3) Appropriate non-Governmental organiza-  
18 tions that have expertise in areas related to sexual  
19 harassment and sexual assault in the Armed Forces.

20 (d) RELATION TO OTHER REPORTING REQUIRE-  
21 MENTS.—The reporting requirements of this section are  
22 in addition to, and an expansion of, the Armed Forces  
23 Workplace and Gender Relations Surveys required by sec-  
24 tion 481 of title 10, United States Code.

1 **SEC. 581. REVIEW OF UNRESTRICTED REPORTS OF SEXUAL**  
2 **ASSAULT AND SUBSEQUENT SEPARATION OF**  
3 **MEMBERS MAKING SUCH REPORTS.**

4 (a) REVIEW REQUIRED.—The Secretary of Defense  
5 shall conduct a review of all unrestricted reports of sexual  
6 assault made by members of the Armed Forces since Octo-  
7 ber 1, 2000, to determine the number of members who  
8 were subsequently separated from the Armed Forces and  
9 the circumstances of and grounds for such separation.

10 (b) ELEMENTS OF REVIEW.—The review shall deter-  
11 mine at a minimum the following:

12 (1) For each member who made an unrestricted  
13 report of sexual assault and was subsequently sepa-  
14 rated, the reason provided for the separation and  
15 whether the member requested an appeal.

16 (2) For each member separated on the grounds  
17 of having a personality disorder, whether the separa-  
18 tion was carried out in compliance with Department  
19 of Defense Instruction 1332.14.

20 (3) For each member who requested an appeal,  
21 the basis and results of the appeal.

22 (c) SUBMISSION OF RESULTS.—Not later than 180  
23 days after the date of the enactment of this Act, the Sec-  
24 retary of Defense shall submit to the Committees on  
25 Armed Services of the Senate and House of Representa-  
26 tives a report containing the results of the review.

1 **SEC. 582. LIMITATION ON RELEASE FROM ACTIVE DUTY OR**  
2 **RECALL TO ACTIVE DUTY OF RESERVE COM-**  
3 **PONENT MEMBERS WHO ARE VICTIMS OF**  
4 **SEXUAL ASSAULT WHILE ON ACTIVE DUTY.**

5 (a) IN GENERAL.—Chapter 1209 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 12323. Active duty for response to sexual assault**

9 “(a) CONTINUATION ON ACTIVE DUTY.—In the case  
10 of a member of a reserve component who is the alleged  
11 victim of sexual assault committed while on active duty  
12 and who is expected to be released from active duty before  
13 the determination of whether the member was assaulted  
14 while in the line of duty, the Secretary concerned may,  
15 upon the request of the member, order the member to be  
16 retained on active duty until the line of duty determina-  
17 tion, but not to exceed 180 days beyond the original expi-  
18 ration of active duty date. A member eligible for continu-  
19 ation on active duty under this subsection shall be in-  
20 formed as soon as practicable after the alleged assault of  
21 the option to request continuation on active duty under  
22 this subsection.

23 “(b) RETURN TO ACTIVE DUTY.—In the case of a  
24 member of a reserve component not on active duty who  
25 is the alleged victim of a sexual assault that occurred while  
26 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.”.

1 **SEC. 583. INCLUSION OF INFORMATION ON SUBSTAN-**  
2 **TIATED REPORTS OF SEXUAL HARASSMENT**  
3 **IN MEMBER'S OFFICIAL SERVICE RECORD.**

4 (a) INCLUSION.—If a complaint of sexual harassment  
5 is made against a member of the Army, Navy, Air Force,  
6 or Marine Corps and the complaint is substantiated, a no-  
7 tation to that effect shall be placed in the service record  
8 of the member, regardless of the member's rank, for the  
9 purpose of—

10 (1) reducing the likelihood that a member who  
11 has committed sexual harassment can commit the  
12 same offense multiple times without suffering the  
13 appropriate consequences; and

14 (2) alerting commanders of the background of  
15 the members of their command, so the commanders  
16 have better awareness of its members, especially as  
17 members are transferred.

18 (b) DEFINITION OF SUBSTANTIATED.—For purposes  
19 of implementing this section, the Secretary of Defense  
20 shall use the definition of substantiated developed for the  
21 annual report on sexual assaults involving members of the  
22 Armed Forces prepared under section 1631 of the Ike  
23 Skelton National Defense Authorization Act for Fiscal  
24 Year 2011 (Public Law 111–383; 124 Stat. 4433; 10  
25 U.S.C. 1561 note).

1 **SEC. 584. SENSE OF CONGRESS ON MILITARY SEXUAL**  
2 **TRAUMA.**

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

4 (1) The Department of Defense conducted a  
5 survey of members of the Armed Forces serving on  
6 active duty that revealed that only 13.5 percent of  
7 such members reported incidents of sexual assault,  
8 which means that more than 19,000 incidents of  
9 sexual assault of members of the Armed Forces ac-  
10 tually occurred in 2010 alone.

11 (2) Despite attempts, the Department of De-  
12 fense has failed to address the chronic under report-  
13 ing of incidents of sexual assault and harassment, as  
14 by the Department's own estimates, 86 percent of  
15 sexual assaults went unreported in 2010.

16 (3) Sexual assault in the military is an ongoing  
17 problem leading many victims to seek help after sep-  
18 aration from the Armed Forces from the Depart-  
19 ment of Veterans Affairs.

20 (4) About 1 in 5 women and 1 in 100 men seen  
21 in Veterans Health Administration respond "Yes"  
22 when screened for military sexual trauma.

23 (5) Among users of healthcare provided by the  
24 Department of Veterans Affairs, medical record data  
25 indicates that diagnoses of post-traumatic stress dis-  
26 order and other anxiety disorders, depression and

1 other mood disorders, and substance use disorders  
2 are most frequently associated with military sexual  
3 trauma.

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

6 (1) the Secretary of Veterans Affairs should ex-  
7 pand efforts to raise awareness about military sexual  
8 trauma and the treatment and services that the De-  
9 partment provides to victims; and

10 (2) in light of the fact that the available data  
11 shows an overwhelming number of military sexual  
12 trauma claims go unreported within the Department  
13 of Defense, making it very difficult for veterans to  
14 show proof of the assault when filing claims with the  
15 Department of Veterans Affairs for post-traumatic  
16 stress disorder and other mental health conditions  
17 caused by military sexual trauma, the Secretary of  
18 Veterans Affairs should review the disability process  
19 to ensure that victims of military sexual trauma who  
20 file claims for service connection do not face unnec-  
21 essary or overly burdensome requirements in order  
22 to claim disability benefits with the Department.

1 **SEC. 585. CORRECTION OF MILITARY RECORDS OF MEM-**  
2 **BERS OF THE ARMED FORCES WHO EXPERI-**  
3 **ENCE RETALIATORY PERSONNEL ACTIONS**  
4 **FOR MAKING A REPORT OF SEXUAL ASSAULT**  
5 **OR SEXUAL HARASSMENT.**

6 The Secretary of Defense shall conduct a general  
7 education campaign to notify members of the Armed  
8 Forces regarding the authorities available under chapter  
9 79 of title 10, United States Code, for the correction of  
10 military records when a member experiences any retalia-  
11 tory personnel action for making a report of sexual assault  
12 or sexual harassment.

13 **SEC. 586. DEPARTMENT OF DEFENSE SEXUAL ASSAULT**  
14 **AND HARASSMENT OVERSIGHT AND ADVI-**  
15 **SORY COUNCIL.**

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

19 **“§ 188. Sexual Assault and Harassment Oversight and**  
20 **Advisory Council**

21 “(a) ESTABLISHMENT.—There is a Sexual Assault  
22 and Harassment Oversight and Advisory Council (in this  
23 section referred to as the ‘Council’).

24 “(b) MEMBERSHIP.—(1) The Council shall be com-  
25 prised of individuals appointed by the Secretary of De-  
26 fense who are experts and professionals in the fields of



1 sexual assault and harassment, judicial proceedings involv-  
2 ing sexual assault or harassment, or treatment for sexual  
3 assault or harassment. At a minimum, the Council shall  
4 include as members the following:

5           “(A) The Director of the Sexual Assault Pre-  
6           vention and Response Office of the Department of  
7           Defense.

8           “(B) The Judge Advocates General of the  
9           Army, Navy, and Air Force.

10           “(C) A judge advocate from the Army, Navy,  
11           Air Force, and Marine Corps with experience in  
12           prosecuting sexual assault cases.

13           “(D) A Department of Justice representative  
14           with experience in prosecuting sexual assault cases.

15           “(E) An individual who has extensive experi-  
16           ence in providing assistance to sexual assault vic-  
17           tims.

18           “(F) An individual who has expertise the civil-  
19           ian judicial system with respect to sexual assault.

20           “(2) Subject to paragraph (3), members shall be ap-  
21           pointed for a term of two years. A member may serve after  
22           the end of the member’s term until the member’s suc-  
23           cessor takes office.

24           “(3) If a vacancy occurs in the Council, the vacancy  
25           shall be filled in the same manner as the original appoint-

1 ment. A member of the Council appointed to fill a vacancy  
2 occurring before the end of the term for which the mem-  
3 ber's predecessor was appointed shall only serve until the  
4 end of such term.

5       “(c) CHAIRMAN; MEETINGS.—(1) The Council shall  
6 elect a chair from among its members.

7       “(2) The Council shall meet not less often than once  
8 every year.

9       “(3) If a member of the Board fails to attend two  
10 successive Board meetings, except in a case in which an  
11 absence is approved in advance, for good cause, by the  
12 Board chairman, such failure shall be grounds for termi-  
13 nation from membership on the Board. A person des-  
14 ignated for membership on the Board shall be provided  
15 notice of the provisions of this paragraph at the time of  
16 such designation.

17       “(d) ADMINISTRATIVE PROVISIONS.—(1) Each mem-  
18 ber of the Council who is not an officer or employee of  
19 the Federal Government shall be compensated at a rate  
20 equal to the daily equivalent of the annual rate of basic  
21 pay prescribed for Executive Schedule Level IV under sec-  
22 tion 5315 of title 5, for each day (including travel time)  
23 during which such member is engaged in the performance  
24 of the duties of the Council. Members of the Council who  
25 are officers or employees of the United States shall serve

1 without compensation in addition to that received for their  
2 services as officers or employees of the United States.

3 “(2) The members of the Council shall be allowed  
4 travel expenses, including per diem in lieu of subsistence,  
5 at rates authorized for employees of agencies under sub-  
6 chapter I of chapter 57 of title 5, while away from their  
7 homes or regular places of business in the performance  
8 of services for the Council.

9 “(e) RESPONSIBILITIES.—The Council shall be re-  
10 sponsible for providing oversight and advice to the Sec-  
11 retary of Defense and the Secretaries of the military de-  
12 partments on the activities and implementation of policies  
13 and programs developed by the Sexual Assault Prevention  
14 and Response Office, including any modifications to the  
15 Uniform Code of Military Justice, in response to sexual  
16 assault and harassment.

17 “(f) ANNUAL REPORT.—Not later than March 31 of  
18 each year, the Council shall submit to the Secretary of  
19 Defense and the congressional defense committees a re-  
20 port that describes the activities of the Council during the  
21 preceding year and contains such recommendations as the  
22 Council considers appropriate to improve sexual assault  
23 prevention and treatment programs and policies of the De-  
24 partment of Defense.”.

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

“188. Sexual Assault and Harassment Oversight and Advisory Council.”.

## 4 **Subtitle I—Other Matters**

### 5 **SEC. 590. INCLUSION OF FREELY ASSOCIATED STATES** 6 **WITHIN SCOPE OF JUNIOR RESERVE OFFI-** 7 **CERS’ TRAINING CORPS PROGRAM.**

8 Section 2031(a) of title 10, United States Code, is  
 9 amended by adding at the end the following new para-  
 10 graph:

11 “(3) If a secondary educational institution in the  
 12 Federated States of Micronesia, the Republic of the Mar-  
 13 shall Islands, or the Republic of Palau otherwise meets  
 14 the conditions imposed by subsection (b) on the establish-  
 15 ment and maintenance of units of the Junior Reserve Offi-  
 16 cers’ Training Corps, the Secretary of a military depart-  
 17 ment may establish and maintain a unit of the Junior Re-  
 18 serve Officers’ Training Corps at the secondary edu-  
 19 cational institution even though the secondary educational  
 20 institution is not a United States secondary educational  
 21 institution.”.

### 22 **SEC. 591. PRESERVATION OF EDITORIAL INDEPENDENCE** 23 **OF STARS AND STRIPES.**

24 To preserve the actual and perceived editorial and  
 25 management independence of the Stars and Stripes news-

1 paper, the Secretary of Defense shall extend the lease for  
2 the commercial office space in the District of Columbia  
3 currently occupied by the editorial and management oper-  
4 ations of the Stars and Stripes newspaper until such time  
5 as the Secretary provides space and information tech-  
6 nology and other support for such operations in a Govern-  
7 ment-owned facility in the National Capital Region geo-  
8 graphically remote from facilities of the Defense Media  
9 Activity at Fort Meade, Maryland.

10 **SEC. 592. SENSE OF CONGRESS REGARDING DESIGNATION**  
11 **OF BUGLE CALL COMMONLY KNOWN AS**  
12 **“TAPS” AS NATIONAL SONG OF REMEM-**  
13 **BRANCE.**

14 (a) FINDINGS.—Congress makes the following find-  
15 ings:

16 (1) The bugle call commonly known as “Taps”  
17 is known throughout the United States.

18 (2) In July 1862, following the Seven Days  
19 Battles, Union General Daniel Butterfield and bu-  
20 gler Oliver Willcox Norton created “Taps” at Berk-  
21 ley Plantation, Virginia, as a way to signal the end  
22 of daily military activities.

23 (3) “Taps” is now established by the uniformed  
24 services as the last call of the day and is sounded  
25 at the completion of a military funeral.

(6) When sounded, “Taps” summons emotions of loss, pride, honor, and respect and encourages Americans to remember patriots who served the United States with honor and valor.

(7) The 150th anniversary of the writing of “Taps” will be observed with events culminating in June 2012 with a rededication of the Taps Monument at Berkley Plantation, Virginia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the bugle call commonly known as “Taps” should be designated as the National Song of Remembrance.

(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:

1 **“§ 306. Conduct during sounding of ‘Taps’**

2 “(a) DEFINITION.—In this section, the term ‘Taps’  
3 refers to the bugle call consisting of 24 notes normally  
4 sounded on a bugle or trumpet without accompaniment  
5 or embellishment as the last call of the day on a military  
6 base, at the completion of a military funeral, or on other  
7 occasions as the solemn musical farewell to members of  
8 the uniform services and veterans.

9 “(b) CONDUCT DURING SOUNDING.—

10 “(1) IN GENERAL.—During a performance of  
11 Taps—

12 “(A) all present, except persons in uni-  
13 form, should stand at attention with the right  
14 hand over the heart;

15 “(B) men not in uniform should remove  
16 their headdress with their right hand and hold  
17 the headdress at the left shoulder, the hand  
18 being over the heart; and

19 “(C) persons in uniform should stand at  
20 attention and give the military salute at the  
21 first note of Taps and maintain that position  
22 until the last note.

23 “(2) EXCEPTION.—Paragraph (1) shall not  
24 apply when Taps is sounded as the final bugle call  
25 of the day at a military base.

1       “(c) DEFINITION OF MILITARY BASE.—In this sec-  
 2 tion, the term ‘military base’ means a base, camp, post,  
 3 station, yard, center, homeport facility for any ship, or  
 4 other activity under the jurisdiction of the Department of  
 5 Defense, including any leased facility, which is located  
 6 within any of the several States, the District of Columbia,  
 7 the Commonwealth of Puerto Rico, American Samoa, the  
 8 Virgin Islands, the Commonwealth of the Northern Mar-  
 9 iana Islands, or Guam.”.

10       (b) CONFORMING AND CLERICAL AMENDMENTS.—

11               (1) CHAPTER HEADING.—The heading of chap-  
 12 ter 3 of title 36, United States Code, is amended to  
 13 read as follows:

14       **“CHAPTER 3—NATIONAL ANTHEM, MOTTO,**  
 15       **AND OTHER NATIONAL DESIGNATIONS”.**

16               (2) TABLE OF CHAPTERS.—The item relating  
 17 to chapter 3 in the table of chapters for such title  
 18 is amended to read as follows:

“3. National Anthem, Motto, and Other National Designations ..... 301”.

19               (3) TABLE OF SECTIONS.—The table of sections  
 20 at the beginning of such chapter is amended by add-  
 21 ing at the end the following new item:

“306. Conduct during sounding of ‘Taps’.”.



1 **SEC. 594. INSPECTION OF MILITARY CEMETERIES UNDER**  
2 **THE JURISDICTION OF DEPARTMENT OF DE-**  
3 **FENSE.**

4 (a) DOD INSPECTOR GENERAL INSPECTION OF AR-  
5 LINGTON NATIONAL CEMETERY AND UNITED STATES  
6 SOLDIERS' AND AIRMEN'S HOME NATIONAL CEME-  
7 TERY.—Section 1(d) of Public Law 111–339; 124 Stat.  
8 3592) is amended—

9 (1) in paragraph (1), by striking “The Sec-  
10 retary” in the first sentence and inserting “Subject  
11 to paragraph (2), the Secretary”; and

12 (2) in paragraph (2), by adding at the end the  
13 following new sentence: “However, in the case of the  
14 report required to be submitted during 2013, the as-  
15 sessment described in paragraph (1) shall be con-  
16 ducted, and the report shall be prepared and sub-  
17 mitted, by the Inspector General of the Department  
18 of Defense instead of the Secretary of the Army.”.

19 (b) TIME FOR SUBMISSION OF REPORT AND PLAN  
20 OF ACTION REGARDING INSPECTION OF CEMETERIES AT  
21 MILITARY INSTALLATIONS.—Section 592(d)(2) of the Na-  
22 tional Defense Authorization Act for Fiscal Year 2012  
23 (Public Law 112–81; 125 Stat. 1443) is amended—

24 (1) by striking “December 31, 2012” and in-  
25 serting “June 29, 2013”; and

1           (2) by striking “April 1, 2013” and inserting  
2           “October 1, 2013”.

3   **SEC. 595. PILOT PROGRAM TO PROVIDE TRANSITIONAL AS-**  
4                   **SISTANCE TO MEMBERS OF THE ARMED**  
5                   **FORCES WITH A FOCUS ON SCIENCE, TECH-**  
6                   **NOLOGY, ENGINEERING, AND MATHEMATICS.**

7           (a) PROGRAM AUTHORITY.—The Secretary of De-  
8   fense may conduct one or more pilot programs to provide  
9   transitional assistance for members of the Armed Forces  
10 leaving active duty that focuses on assisting the members  
11 to transition into the fields of science, technology, engi-  
12 neering, and mathematics to address the shortage of ex-  
13 pertise within the Department of Defense in those fields.

14          (b) COOPERATION WITH EDUCATIONAL INSTITU-  
15 TIONS.—The Secretary of Defense may enter into an  
16 agreement with an institution of higher education to pro-  
17 vide for the management and execution of a pilot program  
18 under this section. The institution of higher education  
19 must agree to allow the translation of military experience  
20 and training into course credit and provide for the transfer  
21 of previously received credit through local community col-  
22 leges and other accredited institutions of higher education.

23          (c) DURATION.—Any pilot program established under  
24 the authority of this section may not operate for more  
25 than three academic years.

1 (d) REPORTING REQUIREMENT.—At the conclusion  
2 of a pilot program under this section, the Secretary of De-  
3 fense shall submit to the congressional defense committee  
4 a report on the results of the pilot program, including the  
5 cost incurred to conduct the program, the number of par-  
6 ticipants of the program, and the outcomes for the partici-  
7 pants of the program.

8 **SEC. 596. SENSE OF CONGRESS REGARDING THE RECOV-**  
9 **ERY OF THE REMAINS OF CERTAIN MEMBERS**  
10 **OF THE ARMED FORCES KILLED IN THUR-**  
11 **STON ISLAND, ANTARCTICA.**

12 (a) FINDINGS.—Congress makes the following find-  
13 ings:

14 (1) Commencing August 26, 1946, though late  
15 February 1947 the United States Navy Antarctic  
16 Developments Program Task Force 68, codenamed  
17 “Operation Highjump” initiated and undertook the  
18 largest ever-to-this-date exploration of the Antarctic  
19 continent.

20 (2) The primary mission of the Task Force 68  
21 organized by Rear Admiral Richard E. Byrd Jr.  
22 USN, (Ret) and led by Rear Admiral Richard H.  
23 Cruzen, USN, was to do the following:

24 (A) Establish the Antarctic research base  
25 Little America IV.

1           (B) In the defense of the United States of  
2           America from possible hostile aggression from  
3           abroad - to train personnel test equipment, de-  
4           velop techniques for establishing, maintaining  
5           and utilizing air bases on ice, with applicability  
6           comparable to interior Greenland, where condi-  
7           tions are similar to those of the Antarctic.

8           (C) Map and photograph a full two-thirds  
9           of the Antarctic Continent during the classified,  
10          hazardous duty/volunteer-only operation involv-  
11          ing 4700 sailors, 23 aircraft and 13 ships in-  
12          cluding the first submarine the U.S.S. Sennet,  
13          and the aircraft carrier the U.S.S. Philippine  
14          Sea, brought to the edge of the ice pack to  
15          launch (6) Navy ski-equipped, rocket-assisted  
16          R4Ds.

17          (D) Consolidate and extend United States  
18          sovereignty over the largest practicable area of  
19          the Antarctic continent.

20          (E) Determine the feasibility of estab-  
21          lishing, maintaining and utilizing bases in the  
22          Antarctic and investigating possible base sites.

23          (3) While on a hazardous duty/all volunteer  
24          mission vital to the interests of National Security  
25          and while over the eastern Antarctica coastline

1 known as the Phantom Coast, the PBM-5 Martin  
2 Mariner “Flying Boat” “George 1” entered a  
3 whiteout over Thurston Island. As the pilot at-  
4 tempted to climb, the aircraft grazed the glacier’s  
5 ridgeline and exploded within 5 seconds instantly  
6 killing Ensign Maxwell Lopez, Navigator and Wen-  
7 dell “Bud” Hendersin, Aviation Machinists Mate 1st  
8 Class while Frederick Williams, Aviation Radioman  
9 1st Class died several hours later. Six other crewmen  
10 survived including the Captain of the “George 1’s”  
11 seaplane tender U.S.S. Pine Island.

12 (4) The bodies of the dead were protected from  
13 the desecration of Antarctic scavenging birds  
14 (Skuas) by the surviving crew wrapping the bodies  
15 and temporarily burying the men under the star-  
16 board wing engine nacelle.

17 (5) Rescue requirements of the “George-1” sur-  
18 vivors forced the abandonment of their crewmates’  
19 bodies.

20 (6) Conditions prior to the departure of Task  
21 Force 68 precluded a return to the area to the re-  
22 cover the bodies.

23 (7) For nearly 60 years Navy promised the  
24 families that they would recover the men: “If the  
25 safety, logistical, and operational prerequisites allow

1 a mission in the future, every effort will be made to  
2 bring our sailors home.”.

3 (8) The Joint POW/MIA Accounting Command  
4 twice offered to recover the bodies of this crew for  
5 Navy.

6 (9) A 2004 NASA ground penetrating radar  
7 overflight commissioned by Navy relocated the crash  
8 site three miles from its crash position.

9 (10) The Joint POW/MIA Accounting Com-  
10 mand offered to underwrite the cost of an aerial  
11 ground penetrating radar (GPR) survey of the crash  
12 site area by NASA.

13 (11) The Joint POW/MIA Accounting Com-  
14 mand studied the recovery with the recognized recov-  
15 ery authorities and national scientists and deter-  
16 mined that the recovery is only “medium risk”.

17 (12) National Science Foundation and sci-  
18 entists from the University of Texas, Austin, regu-  
19 larly visit the island.

20 (13) The crash site is classified as a “perishable  
21 site”, meaning a glacier that will calve into the  
22 Bellingshausen Sea.

23 (14) The National Science Foundation main-  
24 tains a presence in area - of the Pine Island Glacier.

1           (15) The National Science Foundation Director  
2           of Polar Operations will assist and provide assets for  
3           the recovery upon the request of Congress.

4           (16) The United States Coast Guard is pres-  
5           ently pursuing the recovery of 3 WWII air crewmen  
6           from similar circumstances in Greenland.

7           (17) On Memorial Day, May 25, 2009, Presi-  
8           dent Barack Obama declared: “\* \* \* the support of  
9           our veterans is a sacred trust \* \* \* we need to serve  
10          them as they have served us \* \* \* that means bring-  
11          ing home all our POWs and MIAs \* \* \*”.

12          (18) The policies and laws of the United States  
13          of America require that our armed service personnel  
14          be repatriated.

15          (19) The fullest possible accounting of United  
16          States fallen military personnel means repatriating  
17          living American POWs and MIAs, accounting for,  
18          identifying, and recovering the remains of military  
19          personnel who were killed in the line of duty, or pro-  
20          viding convincing evidence as to why such a repatri-  
21          ation, accounting, identification, or recovery is not  
22          possible.

23          (20) It is the responsibility of the Federal Gov-  
24          ernment to return to the United States for proper

1 burial and respect all members of the Armed Forces  
2 killed in the line of duty who lie in lost graves.

3 (b) SENSE OF CONGRESS.—In light of the findings  
4 under subsection (a), Congress—

5 (1) reaffirms its support for the recovery and  
6 return to the United States, the remains and bodies  
7 of all members of the Armed Forces killed in the  
8 line of duty, and for the efforts by the Joint POW-  
9 MIA Accounting Command to recover the remains of  
10 members of the Armed Forces from all wars, con-  
11 flicts and missions;

12 (2) recognizes the courage and sacrifice of all  
13 members of the Armed Forces who participated in  
14 Operation Highjump and all missions vital to the  
15 national security of the United States of America;

16 (3) acknowledges the dedicated research and ef-  
17 forts by the US Geological Survey, the National  
18 Science Foundation, the Joint POW/MIA Account-  
19 ing Command, the Fallen American Veterans Foun-  
20 dation and all persons and organizations to identify,  
21 locate, and advocate for, from their temporary Ant-  
22 arctic grave, the recovery of the well-preserved fro-  
23 zen bodies of Ensign Maxwell Lopez, Naval Aviator,  
24 Frederick Williams, Aviation Machinist's Mate 1ST



1 Class, Wendell Hendersin, Aviation Radioman 1ST  
2 Class of the “George 1” explosion and crash; and

3 (4) encourages the Department of Defense to  
4 review the facts, research and to pursue new efforts  
5 to undertake all feasible efforts to recover, identify,  
6 and return the well-preserved frozen bodies of the  
7 “George 1” crew from Antarctica’s Thurston Island.

8 **SEC. 597. REPORT ON EFFECTS OF MULTIPLE DEPLOY-**  
9 **MENTS.**

10 Not later than 180 days after the date of enactment  
11 of this Act, the Secretary of Defense shall submit to Con-  
12 gress a report on the effects of multiple deployments on  
13 the well-being of military personnel and any recommended  
14 changes to health evaluations prior to redeployments.

15 **SEC. 598. ESTABLISHMENT OF CHAIN OF COMMAND FOR**  
16 **ARMY NATIONAL MILITARY CEMETERIES.**

17 (a) **MILITARY CHAIN OF COMMAND REQUIRED.**—The  
18 Secretary of the Army shall establish a chain of command  
19 for the Army National Military Cemeteries, to include a  
20 military commander of the Army National Military Ceme-  
21 teries to replace the current civilian director upon the ter-  
22 mination of the tenure of the director.

23 (b) **CONFORMING AMENDMENT.**—Section 4724(a)(1)  
24 of title 10, United States Code, is amended by striking

1 “who shall meet” and inserting “who is a commissioned  
2 officer and meets”.

3 **SEC. 599. MILITARY SALUTE DURING RECITATION OF**  
4 **PLEDGE OF ALLEGIANCE BY MEMBERS OF**  
5 **THE ARMED FORCES NOT IN UNIFORM AND**  
6 **BY VETERANS.**

7 Section 4 of title 4, United States Code, is amended  
8 by adding at the end the following new sentence: “Mem-  
9 bers of the Armed Forces not in uniform and veterans may  
10 render the military salute in the manner provided for per-  
11 sons in uniform.”.

12 **TITLE VI—COMPENSATION AND**  
13 **OTHER PERSONNEL BENEFITS**  
14 **Subtitle A—Pay and Allowances**

15 **SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC**  
16 **PAY.**

17 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The  
18 adjustment to become effective during fiscal year 2013 re-  
19 quired by section 1009 of title 37, United States Code,  
20 in the rates of monthly basic pay authorized members of  
21 the uniformed services shall not be made.

22 (b) **INCREASE IN BASIC PAY.**—Effective on January  
23 1, 2013, the rates of monthly basic pay for members of  
24 the uniformed services are increased by 1.7 percent.

1 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**  
2 **BER COUPLES WHEN ONE MEMBER IS ON SEA**  
3 **DUTY.**

4 (a) IN GENERAL.—Subparagraph (C) of section  
5 403(f)(2) of title 37, United States Code, is amended to  
6 read as follows:

7 “(C) Notwithstanding section 421 of this title, a  
8 member of a uniformed service in a pay grade below pay  
9 grade E–6 who is assigned to sea duty and is married  
10 to another member of a uniformed service is entitled to  
11 a basic allowance for housing subject to the limitations  
12 of subsection (e).”.

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

15 **SEC. 603. NO REDUCTION IN BASIC ALLOWANCE FOR HOUS-**  
16 **ING FOR ARMY NATIONAL GUARD AND AIR**  
17 **NATIONAL GUARD MEMBERS WHO TRANSI-**  
18 **TION BETWEEN ACTIVE DUTY AND FULL-**  
19 **TIME NATIONAL GUARD DUTY WITHOUT A**  
20 **BREAK IN ACTIVE SERVICE.**

21 Section 403(g) of title 37, United States Code, is  
22 amended by adding at the end the following new para-  
23 graph:

24 “(6)(A) The rate of basic allowance for housing to  
25 be paid to a member of the Army National Guard of the  
26 United States or the Air National Guard of the United

1 States shall not be reduced upon the transition of the  
2 member from active duty to full-time National Guard  
3 duty, or from full-time National Guard duty to active  
4 duty, when the transition occurs without a break in active  
5 service.

6 “(B) For the purposes of this paragraph, a break in  
7 active service occurs when one or more calendar days be-  
8 tween active service periods do not qualify as active serv-  
9 ice.”.

10 **SEC. 604. MODIFICATION OF PROGRAM GUIDANCE RELAT-**  
11 **ING TO THE AWARD OF POST-DEPLOYMENT/**  
12 **MOBILIZATION RESPITE ABSENCE ADMINIS-**  
13 **TRATIVE ABSENCE DAYS TO MEMBERS OF**  
14 **THE RESERVE COMPONENTS UNDER DOD IN-**  
15 **STRUCTION 1327.06.**

16 Effective as of October 1, 2011, the changes made  
17 by the Secretary of Defense to the Program Guidance re-  
18 lating to the award of Post-Deployment/Mobilization Res-  
19 pite Absence administrative absence days to members of  
20 the reserve components under DOD Instruction 1327.06  
21 shall not apply to a member of a reserve component whose  
22 qualified mobilization (as described in such program guid-  
23 ance) commenced before October 1, 2011, and continued  
24 on or after that date until the date the mobilization is  
25 terminated.

1 **SEC. 605. PAYMENT OF BENEFIT FOR NONPARTICIPATION**  
2 **OF ELIGIBLE MEMBERS IN POST-DEPLOY-**  
3 **MENT/MOBILIZATION RESPITE ABSENCE**  
4 **PROGRAM DUE TO GOVERNMENT ERROR.**

5 (a) PAYMENT OF BENEFIT.—

6 (1) IN GENERAL.—Subject to subsection (e),  
7 the Secretary concerned shall, upon application  
8 therefor, make a payment to each individual de-  
9 scribed in paragraph (2) of \$200 for each day of  
10 nonparticipation of such individual in the Post-De-  
11 ployment/Mobilization Respite Absence program as  
12 described in that paragraph.

13 (2) COVERED INDIVIDUALS.—An individual de-  
14 scribed in this paragraph is an individual who—

15 (A) was eligible for participation as a  
16 member of the Armed Forces in the Post-De-  
17 ployment/Mobilization Respite Absence pro-  
18 gram; but

19 (B) as determined by the Secretary con-  
20 cerned pursuant to an application for the cor-  
21 rection of the military records of such indi-  
22 vidual pursuant to section 1552 of title 10,  
23 United States Code, did not participate in one  
24 or more days in the program for which the indi-  
25 vidual was so eligible due to Government error.

26 (b) DECEASED INDIVIDUALS.—

1           (1) APPLICATIONS.—If an individual otherwise  
2 covered by subsection (a) is deceased, the application  
3 required by that subsection shall be made by the in-  
4 dividual’s legal representative.

5           (2) PAYMENT.—If an individual to whom pay-  
6 ment would be made under subsection (a) is de-  
7 ceased at time of payment, payment shall be made  
8 in the manner specified in section 1552(c)(2) of title  
9 10, United States Code.

10       (c) PAYMENT IN LIEU OF ADMINISTRATIVE AB-  
11 SENCE.—Payment under subsection (a) with respect to a  
12 day described in that subsection shall be in lieu of any  
13 entitlement of the individual concerned to a day of admin-  
14 istrative absence for such day.

15       (d) CONSTRUCTION.—

16           (1) CONSTRUCTION WITH OTHER PAY.—Any  
17 payment with respect to an individual under sub-  
18 section (a) is in addition to any other pay provided  
19 by law.

20           (2) CONSTRUCTION OF AUTHORITY.—It is the  
21 sense of Congress that—

22               (A) the sole purpose of the authority in  
23 this section is to remedy administrative errors;  
24 and

1 (B) the authority in this section is not in-  
2 tended to establish any entitlement in connec-  
3 tion with the Post-Deployment/Mobilization  
4 Respite Absence program.

5 (e) PAYMENTS SUBJECT TO AVAILABILITY OF AP-  
6 PROPRIATIONS.—No cash payment may be made under  
7 subsection (a) unless the funds to be used to make the  
8 payments are available pursuant to an appropriations Act  
9 enacted after the date of enactment of this Act.

10 (f) FUNDING OFFSET.—The Secretary of Defense  
11 shall transfer \$2,000,000 from the unobligated balances  
12 of the Pentagon Reservation Maintenance Revolving Fund  
13 established under section 2674(e) of title 10, United  
14 States Code, to the Miscellaneous Receipts Fund of the  
15 United States Treasury.

16 (g) DEFINITIONS.—In this section, the terms “Post-  
17 Deployment/Mobilization Respite Absence program” and  
18 “Secretary concerned” have the meaning given such terms  
19 in section 604(f) of the National Defense Authorization  
20 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
21 2350).

**Subtitle B—Bonuses and Special  
and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND  
SPECIAL PAY AUTHORITIES FOR RESERVE  
FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

(3) Section 308d(c), 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.



1           (7) Section 408a(e), relating to reimbursement  
2           of travel expenses for inactive-duty training outside  
3           of normal commuting distance.

4           (8) Section 910(g), relating to income replace-  
5           ment payments for reserve component members ex-  
6           periencing extended and frequent mobilization for  
7           active duty service.

8   **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
9                           **SPECIAL PAY AUTHORITIES FOR HEALTH**  
10                          **CARE PROFESSIONALS.**

11          (a) TITLE 10 AUTHORITIES.—The following sections  
12          of title 10, United States Code, are amended by striking  
13          “December 31, 2012” and inserting “December 31,  
14          2013”:

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

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

20          (b) TITLE 37 AUTHORITIES.—The following sections  
21          of title 37, United States Code, are amended by striking  
22          “December 31, 2012” and inserting “December 31,  
23          2013”:

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

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

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

5           (4) Section 302g(e), relating to special pay for  
6       Selected Reserve health professionals in critically  
7       short wartime specialties.

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

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

12          (7) Section 302k(f), relating to accession bonus  
13       for medical officers in critically short wartime spe-  
14       cialties.

15          (8) Section 302l(g), relating to accession bonus  
16       for dental specialist officers in critically short war-  
17       time specialties.

18 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
19 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
20 **CERS.**

21       The following sections of title 37, United States  
22       Code, are amended by striking “December 31, 2012” and  
23       inserting “December 31, 2013”:

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

4           (2) Section 312b(c), relating to nuclear career  
5       accession bonus.

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

8   **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
9                   **ING TO TITLE 37 CONSOLIDATED SPECIAL**  
10                  **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**  
11                  **TIES.**

12       The following sections of title 37, United States  
13       Code, are amended by striking “December 31, 2012” and  
14       inserting “December 31, 2013”:

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

17           (2) Section 332(g), relating to general bonus  
18       authority for officers.

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

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

23           (5) Section 335(k), relating to special bonus  
24       and incentive pay authorities for officers in health  
25       professions.

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

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

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

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

10 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
11 **ING TO PAYMENT OF OTHER TITLE 37 BO-**  
12 **NUSES AND SPECIAL PAYS.**

13       The following sections of title 37, United States  
14       Code, are amended by striking “December 31, 2012” and  
15       inserting “December 31, 2013”:

16           (1) Section 301b(a), relating to aviation officer  
17       retention bonus.

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

20           (3) Section 308(g), relating to reenlistment  
21       bonus for active members.

22           (4) Section 309(e), relating to enlistment  
23       bonus.

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

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

4           (7) Section 327(h), relating to incentive bonus  
5           for transfer between armed forces.

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

8   **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AF-**  
9                           **FILIATION BONUS FOR OFFICERS IN THE SE-**  
10                          **LECTED RESERVE.**

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

13   **SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**  
14                           **BONUS FOR RESERVE COMPONENT MEM-**  
15                           **BERS WHO CONVERT MILITARY OCCUPA-**  
16                           **TIONAL SPECIALTY TO EASE PERSONNEL**  
17                          **SHORTAGES.**

18       Section 326(c)(1) of title 37, United States Code, is  
19       amended by striking “\$4,000, in the case of a member  
20       of a regular component of the armed forces, and \$2,000,  
21       in the case of a member of a reserve component of the  
22       armed forces.” and inserting “\$4,000.”.

1 **Subtitle C—Travel and Transpor-**  
2 **tation Allowances Generally**

3 **SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES**  
4 **FOR NON-MEDICAL ATTENDANTS FOR MEM-**  
5 **BERS RECEIVING CARE IN A RESIDENTIAL**  
6 **TREATMENT PROGRAM.**

7 (a) AUTHORIZED TRAVEL AND TRANSPORTATION.—

8 Subsection (a) of section 481k of title 37, United States  
9 Code, is amended—

10 (1) by inserting “(1)” before “Under uniform  
11 regulations”; and

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

14 “(2) Travel and transportation described in sub-  
15 section (d) also may be provided for a qualified non-med-  
16 ical attendant for a member of the uniformed services who  
17 is receiving care in a residential treatment program if the  
18 attending physician or other mental health professional  
19 and the commander or head of the military medical facility  
20 exercising control over the member determine that the  
21 presence and participation of such an attendant is essen-  
22 tial to the treatment of the member.”.

23 (b) CONFORMING AMENDMENTS.—Such section is  
24 further amended—

25 (1) in subsection (b)—

1 (A) by striking “covered member” in the  
2 matter preceding paragraph (1) and inserting  
3 “member”; and

4 (B) in paragraph (2), by striking “surgeon  
5 and the commander or head of the military  
6 medical facility” and inserting “surgeon (or  
7 mental health professional in the case of a  
8 member described in subsection (a)(2)) and the  
9 commander or head of the military medical fa-  
10 cility exercising control over the member”; and  
11 (2) in subsection (c), by striking “this section”  
12 in the matter preceding paragraph (1) and inserting  
13 “subsection (a)(1)”.

14 **Subtitle D—Benefits and Services**  
15 **for Members Being Separated or**  
16 **Recently Separated**

17 **SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO**  
18 **YEARS OF COMMISSARY AND EXCHANGE**  
19 **BENEFITS AFTER SEPARATION.**

20 (a) EXTENSION OF AUTHORITY.—Section 1146 of  
21 title 10, United States Code, is amended—

22 (1) in subsection (a), by striking “2012” and  
23 inserting “2018”; and

24 (2) in subsection (b), by striking “2012” and  
25 inserting “2018”.

1 (b) CORRECTION OF REFERENCE TO ADMINISTERING  
2 SECRETARY.—Such section is further amended—

3 (1) in subsection (a), by striking “The Sec-  
4 retary of Transportation” and inserting “The Sec-  
5 retary concerned”; and

6 (2) in subsection (b), by striking “The Sec-  
7 retary of Homeland Security” and inserting “The  
8 Secretary concerned”.

9 **SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUS-**  
10 **ING.**

11 (a) RESUMPTION OF AUTHORITY TO AUTHORIZE  
12 TRANSITIONAL USE.—Subsection (a) of section 1147 of  
13 title 10, United States Code, is amended—

14 (1) in paragraph (1), by striking “October 1,  
15 1990, and ending on December 31, 2001” and in-  
16 serting “October 1, 2012, and ending on December  
17 31, 2018”; and

18 (2) in paragraph (2), by striking “October 1,  
19 1994, and ending on December 31, 2001” and in-  
20 serting “October 1, 2012, and ending on December  
21 31, 2018”.

22 (b) PROHIBITION ON PROVISION OF TRANSITIONAL  
23 BASIC ALLOWANCE FOR HOUSING.—Such section is fur-  
24 ther amended by adding at the end the following new sub-  
25 section:



1       “(c) NO TRANSITIONAL BASIC ALLOWANCE FOR  
2 HOUSING.—Nothing in this section shall be construed to  
3 authorize the Secretary concerned to continue to provide  
4 for any period of time to an individual who is involuntary  
5 separated all or any portion of a basic allowance for hous-  
6 ing to which the individual was entitled under section 403  
7 of title 37 immediately before being involuntarily sepa-  
8 rated, even in cases in which the individual or members  
9 of the individual’s household continue to reside after the  
10 separation in a housing unit acquired or constructed under  
11 the alternative authority of subchapter IV of chapter 169  
12 of this title that is not owned or leased by the United  
13 States.”.

14       (c) CORRECTION OF REFERENCE TO ADMINISTERING  
15 SECRETARY.—Subsection (a)(2) of such section is further  
16 amended by striking “The Secretary of Transportation”  
17 and inserting “The Secretary concerned”.

1 **Subtitle E—Commissary and Non-**  
2 **appropriated Fund Instrumen-**  
3 **tality Benefits and Operations**

4 **SEC. 641. CHARITABLE ORGANIZATIONS ELIGIBLE FOR DO-**  
5 **NATIONS OF UNUSABLE COMMISSARY STORE**  
6 **FOOD AND OTHER FOOD PREPARED FOR THE**  
7 **ARMED FORCES.**

8 Subparagraph (A) of section 2485(f) of title 10,  
9 United States Code, is amended to read as follows:

10 “(A) A food bank, food pantry, or soup kitchen  
11 (as those terms are defined in section 201A of the  
12 Emergency Food Assistance Act of 1983 (7 U.S.C.  
13 7501)).”.

14 **SEC. 642. REPEAL OF CERTAIN RECORDKEEPING AND RE-**  
15 **PORTING REQUIREMENTS APPLICABLE TO**  
16 **COMMISSARY AND EXCHANGE STORES OVER-**  
17 **SEAS.**

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

20 (b) CONFORMING AMENDMENTS.—Such section is  
21 further amended—

22 (1) by striking “GENERAL AUTHORITY.—(1)”  
23 and inserting “AUTHORITY TO ESTABLISH RESTRIC-  
24 TIONS.—”;

1           (2) by striking “(2)” and inserting “(b) LIM-  
2           TATIONS ON USE OF AUTHORITY.—”; and

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

5 **SEC. 643. TREATMENT OF FISHER HOUSE FOR THE FAMI-**  
6 **LIES OF THE FALLEN AND MEDITATION PA-**  
7 **VILION AT DOVER AIR FORCE BASE, DELA-**  
8 **WARE, AS A FISHER HOUSE.**

9           (a) FISHER HOUSES AND AUTHORIZED FISHER  
10 HOUSE RESIDENTS.—Subsection (a) of section 2493 of  
11 title 10, United States Code, is amended—

12           (1) in paragraph (1)(B), by striking “by pa-  
13           tients” and all that follows through “such patients;”  
14           and inserting “by authorized Fisher House resi-  
15           dents;”;

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

18           (3) by inserting after paragraph (1) the fol-  
19           lowing new paragraph:

20           “(2) The term ‘Fisher House’ includes the  
21           Fisher House for the Families of the Fallen and  
22           Meditation Pavilion at Dover Air Force Base, Dela-  
23           ware, so long as such facility is available for residen-  
24           tial use on a temporary basis by authorized Fisher  
25           House residents.”; and

1           (4) by adding at the end the following new  
2 paragraph:

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

5           “(A) With respect to a Fisher House de-  
6 scribed in paragraph (1) that is located in prox-  
7 imity to a health care facility of the Army, the  
8 Air Force, or the Navy, the following persons:

9           “(i) Patients of that health care facil-  
10 ity.

11           “(ii) Members of the families of such  
12 patients.

13           “(iii) Other persons providing the  
14 equivalent of familial support for such pa-  
15 tients.

16           “(B) With respect to the Fisher House de-  
17 scribed in paragraph (2), the following persons:

18           “(i) The primary next of kin of a  
19 member of the armed forces who dies while  
20 located or serving overseas.

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

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

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

4 (c) REPEAL OF FISCAL YEAR 2012 FREESTANDING  
5 DESIGNATION.—Section 643 of the National Defense Au-  
6 thorization Act for Fiscal Year 2012 (Public Law 112–  
7 81; 125 Stat. 1466) is repealed.

8 **SEC. 644. PURCHASE OF SUSTAINABLE PRODUCTS, LOCAL**  
9 **FOOD PRODUCTS, AND RECYCLABLE MATE-**  
10 **RIALS FOR RESALE IN COMMISSARY AND EX-**  
11 **CHANGE STORE SYSTEMS.**

12 (a) IMPROVED PURCHASING EFFORTS.—Section  
13 2481(c) of title 10, United States Code, is amended by  
14 adding at the end the following new paragraph:

15 “(3)(A) The governing body established pursuant to  
16 paragraph (2) shall endeavor to increase the purchase for  
17 resale at commissary stores and exchange stores of sus-  
18 tainable products, local food products, and recyclable ma-  
19 terials.

20 “(B) As part of its efforts under subparagraph (A),  
21 the governing body shall develop—

22 “(i) guidelines for the identification of fresh  
23 meat, poultry, seafood, and fish, fresh produce, and  
24 other products raised or produced through sustain-  
25 able methods; and

1           “(ii) goals, applicable to all commissary stores  
 2           and exchange stores world-wide, to maximize, to the  
 3           maximum extent practical, the purchase of sustain-  
 4           able products, local food products, and recyclable  
 5           materials by September 30, 2017.”.

6           (b) DEADLINE FOR ESTABLISHMENT AND GUIDE-  
 7           LINES.—The initial guidelines required by paragraph  
 8           (3)(B)(i) of section 2481(c) of title 10, United States  
 9           Code, as added by subsection (a), shall be issued not later  
 10          than two years after the date of the enactment of this Act.

11       **Subtitle F—Disability, Retired Pay,**  
 12       **and Survivor Benefits**

13       **SEC. 651. REPEAL OF REQUIREMENT FOR PAYMENT OF**  
 14               **SURVIVOR BENEFIT PLAN PREMIUMS WHEN**  
 15               **PARTICIPANT WAIVES RETIRED PAY TO PRO-**  
 16               **VIDE A SURVIVOR ANNUITY UNDER FEDERAL**  
 17               **EMPLOYEES RETIREMENT SYSTEM AND TER-**  
 18               **MINATING PAYMENT OF THE SURVIVOR BEN-**  
 19               **EFIT PLAN ANNUITY.**

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

22               (1) in the subsection heading, by inserting  
 23               “AND FERS” after “CSRS”;

24               (2) by inserting “or chapter 84 of such title,”  
 25               after “chapter 83 of title 5”;

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

2 and

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

4 (b) CONFORMING AMENDMENTS.—Section 1450(d)  
5 of such title is amended—

6 (1) by inserting “or chapter 84 of such title”  
7 after “chapter 83 of title 5”;

8 (2) by inserting “or 8416(a)” after “8339(j)”;  
9 and

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

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

## 16 **Subtitle G—Other Matters**

### 17 **SEC. 661. CONSISTENT DEFINITION OF DEPENDENT FOR** 18 **PURPOSES OF APPLYING LIMITATIONS ON** 19 **TERMS OF CONSUMER CREDIT EXTENDED TO** 20 **CERTAIN MEMBERS OF THE ARMED FORCES** 21 **AND THEIR DEPENDENTS.**

22 Paragraph (2) of section 987(i) of title 10, United  
23 States Code, is amended to read as follows:

24 “(2) DEPENDENT.—The term ‘dependent’, with  
25 respect to a covered member, means a person de-

1       scribed in subparagraph (A), (D), (E), or (I) of sec-  
2       tion 1072(2) of this title.”.

3   **SEC. 662. LIMITATION ON REDUCTION IN NUMBER OF MILI-**  
4                   **TARY AND CIVILIAN PERSONNEL ASSIGNED**  
5                   **TO DUTY WITH SERVICE REVIEW AGENCIES.**

6       Section 1559(a) of title 10, United States Code, is  
7   amended by striking “December 31, 2013” and inserting  
8   “December 31, 2016”.

9   **SEC. 663. EQUAL TREATMENT FOR MEMBERS OF COAST**  
10                   **GUARD RESERVE CALLED TO ACTIVE DUTY**  
11                   **UNDER TITLE 14, UNITED STATES CODE.**

12       (a) INCLUSION IN DEFINITION OF CONTINGENCY OP-  
13   ERATION.—Section 101(a)(13)(B) of title 10, United  
14   States Code, is amended by inserting “section 712 of title  
15   14,” after “chapter 15 of this title,”.

16       (b) CREDIT OF SERVICE TOWARDS REDUCTION OF  
17   ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR  
18   NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title  
19   10, United States Code, is amended by adding at the end  
20   the following new clause:

21       “(iv) Service on active duty described in this subpara-  
22   graph is also service on active duty pursuant to a call or  
23   order to active duty authorized by the Secretary of Home-  
24   land Security under section 712 of title 14 for purposes



1 of emergency augmentation of the Regular Coast Guard  
2 forces.”.

3 (c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section  
4 3301(1)(B) of title 38, United States Code, is amended  
5 by inserting “or section 712 of title 14” after “title 10”.

6 (d) RETROACTIVE APPLICATION OF AMENDMENTS.—

7 (1) INCLUSION OF PRIOR ORDERS.—The  
8 amendments made by this section shall apply to any  
9 call or order to active duty authorized by the Sec-  
10 retary of Homeland Security under section 712 of  
11 title 14, United States Code, on or after April 19,  
12 2010.

13 (2) CREDIT FOR PRIOR SERVICE.—The amend-  
14 ments made by this section shall be deemed to have  
15 been enacted on April 19, 2010, for purposes of ap-  
16 plying the amendments to the following provisions of  
17 law:

18 (A) Section 5538 of title 5, United States  
19 Code, relating to nonreduction in pay.

20 (B) Section 701 of title 10, United States  
21 Code, relating to the accumulation and reten-  
22 tion of leave.

23 (C) Section 12731 of title 10, United  
24 States Code, relating to age and service require-

1           ments for receipt of retired pay for non-regular  
2           service.

3 **SEC. 664. MORTGAGE PROTECTION FOR MEMBERS OF THE**  
4 **ARMED FORCES, SURVIVING SPOUSES, AND**  
5 **CERTAIN VETERANS.**

6       (a) MORTGAGE PROTECTION.—

7           (1) IN GENERAL.—Section 303 of the  
8       Servicemembers Civil Relief Act (50 U.S.C. App.  
9       533) is amended to read as follows:

10 **“SEC. 303. MORTGAGES AND TRUST DEEDS.**

11       “(a) MORTGAGE AS SECURITY.—This section applies  
12       only to an obligation on real or personal property that is  
13       secured by a mortgage, trust deed, or other security in  
14       the nature of a mortgage and is owned by a covered indi-  
15       vidual as follows:

16           “(1) With respect to an obligation on real or  
17       personal property owned by a servicemember, such  
18       obligation that originated before the period of the  
19       servicemember’s military service and for which the  
20       servicemember is still obligated.

21           “(2) With respect to an obligation on real prop-  
22       erty owned by a servicemember serving in support of  
23       a contingency operation (as defined in section  
24       101(a)(13) of title 10, United States Code), such ob-

1        ligation that originated at any time and for which  
2        the servicemember is still obligated.

3            “(3) With respect to an obligation on real prop-  
4        erty owned by a veteran described in subsection  
5        (f)(1)(B), such obligation that originated at any  
6        time and for which the veteran is still obligated.

7            “(4) With respect to an obligation on real prop-  
8        erty owned by a surviving spouse described in sub-  
9        section (f)(1)(C), such obligation that originated at  
10       any time and for which the spouse is still obligated.

11        “(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF  
12       OBLIGATION.—(1) In an action filed during a covered  
13       time period to enforce an obligation described in sub-  
14       section (a), the court may after a hearing and on its own  
15       motion and shall upon application by a covered individual  
16       when the individual’s ability to comply with the obligation  
17       is materially affected by military service—

18            “(A) stay the proceedings for a period of time  
19        as justice and equity require, or

20            “(B) adjust the obligation to preserve the inter-  
21        ests of all parties.

22        “(2) For purposes of applying paragraph (1) to a cov-  
23       ered individual who is a surviving spouse of a servicemem-  
24       ber described in subsection (f)(1)(C), the term ‘military  
25       service’ means the service of such servicemember.

1       “(c) SALE OR FORECLOSURE.— A sale, foreclosure,  
2 or seizure of property for a breach of an obligation de-  
3 scribed in subsection (a) shall not be valid during a cov-  
4 ered time period except—

5               “(1) upon a court order granted before such  
6 sale, foreclosure, or seizure with a return made and  
7 approved by the court; or

8               “(2) if made pursuant to an agreement as pro-  
9 vided in section 107.

10       “(d) MISDEMEANOR.—A person who knowingly  
11 makes or causes to be made a sale, foreclosure, or seizure  
12 of property that is prohibited by subsection (c), or who  
13 knowingly attempts to do so, shall be fined as provided  
14 in title 18, United States Code, or imprisoned for not more  
15 than one year, or both.

16       “(e) PROOF OF SERVICE.—(1) A veteran described  
17 in subsection (f)(1)(B) shall provide documentation de-  
18 scribed in paragraph (2) to relevant persons to prove the  
19 eligibility of the veteran to be covered under this section.

20       “(2) Documentation described in this paragraph is a  
21 rating decision or a letter from the Department of Vet-  
22 erans Affairs that confirms that the veteran is totally dis-  
23 abled because of one or more service-connected injuries or  
24 service-connected disability conditions.

25       “(f) DEFINITIONS.—In this section:

1           “(1) The term ‘covered individual’ means the  
2 following individuals:

3           “(A) A servicemember.

4           “(B) A veteran who was retired under  
5 chapter 61 of title 10, United States Code, and  
6 whom the Secretary of Veterans Affairs, at the  
7 time of such retirement, determines is a totally  
8 disabled veteran.

9           “(C) A surviving spouse of a servicemem-  
10 ber who—

11           “(i) died while serving in support of a  
12 contingency operation if such spouse is the  
13 successor in interest to property covered  
14 under subsection (a); or

15           “(ii) died while in military service and  
16 whose death is service-connected if such  
17 spouse is the successor in interest to prop-  
18 erty covered under subsection (a).

19           “(2) The term ‘covered time period’ means the  
20 following time periods:

21           “(A) With respect to a servicemember,  
22 during the period beginning on the date on  
23 which such servicemember begins military serv-  
24 ice and ending on the date that is 12 months

1 after the date on which such servicemember is  
2 discharged from such service.

3 “(B) With respect to a servicemember  
4 serving in support of a contingency operation,  
5 during the period beginning on the date of the  
6 military orders for such service and ending on  
7 the date that is 12 months after the date on  
8 which such servicemember redeploys from such  
9 contingency operation.

10 “(C) With respect to a veteran described in  
11 subsection (f)(1)(B), during the 12-month pe-  
12 riod beginning on the date of the retirement of  
13 such veteran described in such subsection.

14 “(D) With respect to a surviving spouse of  
15 a servicemember described in subsection  
16 (f)(1)(C), during the 12-month period begin-  
17 ning on the date of the death of the service-  
18 member.”.

19 (2) CONFORMING AMENDMENT.—Section 107  
20 of the Servicemembers Civil Relief Act (50 U.S.C.  
21 App. 517) is amended by adding at the end the fol-  
22 lowing:

23 “(e) OTHER INDIVIDUALS.—For purposes of this sec-  
24 tion, the term ‘servicemember’ includes any covered indi-  
25 vidual under section 303(f)(1).”.

1           (3) REPEAL OF SUNSET.—Subsection (c) of  
2           section 2203 of the Housing and Economic Recovery  
3           Act of 2008 (Public Law 110–289; 50 U.S.C. App.  
4           533 note) is amended to read as follows:

5           “(c) EFFECTIVE DATE.—The amendments made by  
6           subsection (a) shall take effect on the date of the enact-  
7           ment of this Act.”.

8           (b) INCREASED CIVIL PENALTIES FOR MORTGAGE  
9           VIOLATIONS.—Paragraph (3) of section 801(b) of the  
10          Servicemembers Civil Relief Act (50 U.S.C. App.  
11          597(b)(3)) is amended to read as follows:

12           “(3) to vindicate the public interest, assess a  
13          civil penalty—

14           “(A) with respect to a violation of section  
15          303 regarding real property—

16           “(i) in an amount not exceeding  
17          \$110,000 for a first violation; and

18           “(ii) in an amount not exceeding  
19          \$220,000 for any subsequent violation; and

20           “(B) with respect to any other violation of  
21          this Act—

22           “(i) in an amount not exceeding  
23          \$55,000 for a first violation; and

24           “(ii) in an amount not exceeding  
25          \$110,000 for any subsequent violation.”.

1 (c) CREDIT DISCRIMINATION.—Section 108 of such  
2 Act (50 U.S.C. App. 518) is amended—

3 (1) by striking “Application by” and inserting  
4 “(a) Application by”; and

5 (2) by adding at the end the following new sub-  
6 section:

7 “(b) In addition to the protections under subsection  
8 (a), an individual who is eligible, or who may likely become  
9 eligible, for any provision of this Act may not be denied  
10 or refused credit or be subject to any other action de-  
11 scribed under paragraphs (1) through (6) of subsection  
12 (a) solely by reason of such eligibility.”.

13 (d) REQUIREMENTS FOR LENDING INSTITUTIONS  
14 THAT ARE CREDITORS FOR OBLIGATIONS AND LIABIL-  
15 ITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF  
16 ACT.—Section 207 of the Servicemembers Civil Relief Act  
17 (50 U.S.C. App. 527) is amended—

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

20 (2) by inserting after subsection (c) the fol-  
21 lowing new subsection (d):

22 “(d) LENDING INSTITUTION REQUIREMENTS.—

23 “(1) COMPLIANCE OFFICERS.—Each lending in-  
24 stitution subject to the requirements of this section  
25 shall designate an employee of the institution as a



1 compliance officer who is responsible for ensuring  
2 the institution's compliance with this section and for  
3 distributing information to servicemembers whose  
4 obligations and liabilities are covered by this section.

5 “(2) TOLL-FREE TELEPHONE NUMBER.—Dur-  
6 ing any fiscal year, a lending institution subject to  
7 the requirements of this section that had annual as-  
8 sets for the preceding fiscal year of \$10,000,000,000  
9 or more shall maintain a toll-free telephone number  
10 and shall make such telephone number available on  
11 the primary Internet Web site of the institution.”.

12 **SEC. 665. STUDY ON ISSUING IDENTIFICATION CARDS TO**  
13 **CERTAIN MEMBERS UPON DISCHARGE.**

14 (a) STUDY.—The Secretary of Defense shall conduct  
15 a study assessing the feasibility of issuing to a covered  
16 member an identification card that would—

17 (1) provide such member with a convenient  
18 method of summarizing the DD-214 form or other  
19 official document from the official military personnel  
20 file of the member; and

21 (2) not serve as proof of any benefits to which  
22 the member may be entitled to.

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

1           (1) The information to be included on the iden-  
2           tification card.

3           (2) Whether the Secretary should issue such  
4           card—

5                     (A) to each covered member; or

6                     (B) to a covered member upon request.

7           (3) If the card were to be issued to each cov-  
8           ered member, the estimated cost of such issuance.

9           (4) If the card were to be issued upon the re-  
10          quest of a covered member, whether the Secretary  
11          should charge such member a fee for such card, in-  
12          cluding the amount of such fee.

13          (c) REPORT.—Not later than one year after the date  
14          of the enactment of this Act, the Secretary shall submit  
15          to the congressional defense committees a report on the  
16          study conducted under subsection (a).

17          (d) COVERED MEMBER.—In this section, the term  
18          “covered member” means a member of the Armed Forces  
19          who—

20                     (1) is expected to be discharged—

21                             (A) after the completion of the service obli-  
22                             gation of the member; and

23                             (B) under conditions other than dishonor-  
24                             able;

1           (2) is expected to be issued a DD Form 214  
2       Certificate of Release or Discharge from Active  
3       Duty; and

4           (3) after such discharge, would not otherwise be  
5       issued an identification card by the Department of  
6       Defense or the Department of Veterans Affairs.

7           **TITLE VII—HEALTH CARE**  
8           **PROVISIONS**  
9           **Subtitle A—Improvements to**  
10          **Health Benefits**

11 **SEC. 701. SENSE OF CONGRESS ON NONMONETARY CON-**  
12          **TRIBUTIONS TO HEALTH CARE BENEFITS**  
13          **MADE BY CAREER MEMBERS OF THE ARMED**  
14          **FORCES AND THEIR FAMILIES.**

15       It is the sense of Congress that—

16           (1) career members of the uniformed services  
17       and their families endure unique and extraordinary  
18       demands and make extraordinary sacrifices over the  
19       course of a 20- to 30-year career in protecting free-  
20       dom for all Americans; and

21           (2) those decades of sacrifice constitute a sig-  
22       nificant pre-paid premium for health care during a  
23       career member's retirement that is over and above  
24       what the member pays with money.

1 **SEC. 702. EXTENSION OF TRICARE STANDARD COVERAGE**  
2 **AND TRICARE DENTAL PROGRAM FOR MEM-**  
3 **BERS OF THE SELECTED RESERVE WHO ARE**  
4 **INVOLUNTARILY SEPARATED.**

5 (a) TRICARE STANDARD COVERAGE.—Section  
6 1076d(b) of title 10, United States Code, is amended—

7 (1) by striking “Eligibility” and inserting “(1)  
8 Except as provided in paragraph (2), eligibility”;  
9 and

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

12 “(2) During the period beginning on the earlier of  
13 the date of the enactment of the National Defense Author-  
14 ization Act for Fiscal Year 2013 or October 1, 2012, and  
15 ending December 31, 2018, eligibility for a member under  
16 this section who is involuntarily separated from the Se-  
17 lected Reserve under other than adverse conditions, as  
18 characterized by the Secretary concerned, shall terminate  
19 180 days after the date on which the member is sepa-  
20 rated.”.

21 (b) TRICARE DENTAL COVERAGE.—Section  
22 1076a(a)(1) of such title is amended by adding at the end  
23 the following new sentence: “During the period beginning  
24 on the earlier of the date of the enactment of the National  
25 Defense Authorization Act for Fiscal Year 2013 or Octo-  
26 ber 1, 2012, and ending December 31, 2018, such plan

1 shall provide that coverage for a member of the Selected  
2 Reserve who is involuntarily separated from the Selected  
3 Reserve under other than adverse conditions, as character-  
4 ized by the Secretary concerned, shall not terminate ear-  
5 lier than 180 days after the date on which the member  
6 is separated.”.

7 **SEC. 703. MEDICAL AND DENTAL CARE CONTRACTS FOR**  
8 **CERTAIN MEMBERS OF THE NATIONAL**  
9 **GUARD.**

10 (a) STANDARDS.—The Secretary of Defense shall en-  
11 sure that each individual who receives medical or dental  
12 care under a covered contract meets the standards of med-  
13 ical and dental readiness of the Secretary upon the mobili-  
14 zation of the individual.

15 (b) COVERED CONTRACT DEFINED.—In this section,  
16 the term “covered contract” means a contract entered into  
17 by the National Guard of a State to provide medical or  
18 dental care to the members of such National Guard to en-  
19 sure that the members meet applicable standards of med-  
20 ical and dental readiness.

21 **SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER**  
22 **TRICARE.**

23 (a) IN GENERAL.—Section 1077 of title 10, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing new subsection:

1       “(g)(1) In providing health care under subsection (a)  
2 to a covered beneficiary described in paragraph (3)(A), the  
3 treatment of autism spectrum disorders shall include be-  
4 havioral health treatment, including applied behavior anal-  
5 ysis, when prescribed by a physician.

6       “(2) In carrying out this subsection, the Secretary  
7 shall ensure that—

8           “(A) except as provided by subparagraph (B),  
9 a person who is authorized to provide behavioral  
10 health treatment is licensed or certified by a State  
11 or accredited national certification board; and

12           “(B) if applied behavior analysis or other be-  
13 havioral health treatment is provided by an employee  
14 or contractor of a person described in subparagraph  
15 (A), the employee or contractor shall meet minimum  
16 qualifications, training, and supervision require-  
17 ments as set forth by the Secretary.

18       “(3)(A) A covered beneficiary described in this sub-  
19 paragraph is a covered beneficiary who is a beneficiary by  
20 virtue of—

21           “(i) service in the armed forces (not including  
22 the Coast Guard); or

23           “(ii) being a dependent of a member of the  
24 armed forces (not including the Coast Guard).

1 “(B) Nothing in this subsection shall be construed  
2 as limiting or otherwise affecting the benefits otherwise  
3 provided under this chapter to a covered beneficiary who  
4 is a beneficiary by virtue of—

5 “(i) service in the Coast Guard, the Commis-  
6 sioned Corp of the National Oceanic and Atmos-  
7 pheric Administration, or the Commissioned Corp of  
8 the Public Health Service; or

9 “(ii) being a dependent of a member of a serv-  
10 ice described in clause (i).

11 “(C) This subsection shall not apply to a medicare-  
12 eligible beneficiary (as defined in section 1111(b) of this  
13 title).

14 “(D) Except as provided in subparagraph (C), noth-  
15 ing in this subsection shall be construed as limiting or oth-  
16 erwise affecting the benefits provided to a medicare-eli-  
17 ble beneficiary under—

18 “(i) this chapter;

19 “(ii) part A of title XVIII of the Social Security  
20 Act (42 U.S.C. 1395c et seq.); or

21 “(iii) any other law.”.

22 (b) FUNDING.—

23 (1) INCREASE.—Notwithstanding the amounts  
24 set forth in the funding tables in division D, the  
25 amount authorized to be appropriated in section

1 1406 for the Defense Health Program, as specified  
2 in the corresponding funding table in section 4501,  
3 for Private Sector Care is hereby increased by  
4 \$30,000,000.

5 (2) OFFSET.—Notwithstanding the amounts set  
6 forth in the funding tables in division D, the amount  
7 authorized to be appropriated in section 4201 for  
8 Research, Development, Test and Evaluation, Army,  
9 as specified in the corresponding funding table in di-  
10 vision D, is hereby reduced by \$30,000,000, to be  
11 derived as follows:

12 (A) \$21,000,000 from the Aerostat Joint  
13 Project Office.

14 (B) \$9,000,000 from Endurance UAVs.

15 **SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS**  
16 **OF THE ARMED FORCES.**

17 (a) IN GENERAL.—Section 1074m of title 10, United  
18 States Code, is amended—

19 (1) in subsection (a)(1)—

20 (A) by redesignating subparagraph (B)  
21 and (C) as subparagraph (C) and (D), respec-  
22 tively; and

23 (B) by inserting after subparagraph (A)  
24 the following:



1 “(B) Once during each 180-day period during  
2 which a member is deployed.”; and

3 (2) in subsection (c)(1)(A)—

4 (A) in clause (i), by striking “; and” and  
5 inserting a semicolon;

6 (B) by redesignating clause (ii) as clause  
7 (iii); and

8 (C) by inserting after clause (i) the fol-  
9 lowing:

10 “(ii) by personnel in deployed units whose  
11 responsibilities include providing unit health  
12 care services if such personnel are available and  
13 the use of such personnel for the assessments  
14 would not impair the capacity of such personnel  
15 to perform higher priority tasks; and”.

16 (b) CONFORMING AMENDMENT.—Section  
17 1074m(a)(2) of title 10, United States Code, is amended  
18 by striking “subparagraph (B) and (C)” and inserting  
19 “subparagraph (C) and (D)”.

## 20 **Subtitle B—Health Care** 21 **Administration**

### 22 **SEC. 711. UNIFIED MEDICAL COMMAND.**

23 (a) UNIFIED COMBATANT COMMAND.—

1           (1) IN GENERAL.—Chapter 6 of title 10, United  
2       States Code, is amended by inserting after section  
3       167a the following new section:

4   **“§ 167b. Unified combatant command for medical op-**  
5                   **erations**

6       “(a) ESTABLISHMENT.—With the advice and assist-  
7       ance of the Chairman of the Joint Chiefs of Staff, the  
8       President, through the Secretary of Defense, shall estab-  
9       lish under section 161 of this title a unified command for  
10      medical operations (in this section referred to as the ‘uni-  
11      fied medical command’). The principal function of the  
12      command is to provide medical services to the armed  
13      forces and other health care beneficiaries of the Depart-  
14      ment of Defense as defined in chapter 55 of this title.

15      “(b) ASSIGNMENT OF FORCES.—In establishing the  
16      unified medical command under subsection (a), all active  
17      military medical treatment facilities, training organiza-  
18      tions, and research entities of the armed forces shall be  
19      assigned to such unified command, unless otherwise di-  
20      rected by the Secretary of Defense.

21      “(c) GRADE OF COMMANDER.—The commander of  
22      the unified medical command shall hold the grade of gen-  
23      eral or, in the case of an officer of the Navy, admiral while  
24      serving in that position, without vacating his permanent  
25      grade. The commander of such command shall be ap-

1 pointed to that grade by the President, by and with the  
2 advice and consent of the Senate, for service in that posi-  
3 tion. The commander of such command shall be a member  
4 of a health profession described in paragraph (1), (2), (3),  
5 (4), (5), or (6) of section 335(j) of title 37. During the  
6 five-year period beginning on the date on which the Sec-  
7 retary establishes the command under subsection (a), the  
8 commander of such command shall be exempt from the  
9 requirements of section 164(a)(1) of this title.

10 “(d) SUBORDINATE COMMANDS.—(1) The unified  
11 medical command shall have the following subordinate  
12 commands:

13 “(A) A command that includes all fixed military  
14 medical treatment facilities, including elements of  
15 the Department of Defense that are combined, oper-  
16 ated jointly, or otherwise operated in such a manner  
17 that a medical facility of the Department of Defense  
18 is operating in or with a medical facility of another  
19 department or agency of the United States.

20 “(B) A command that includes all medical  
21 training, education, and research and development  
22 activities that have previously been unified or com-  
23 bined, including organizations that have been des-  
24 ignated as a Department of Defense executive agent.

1           “(C) The Defense Health Agency established  
2           under subsection (f).

3           “(2) The commander of a subordinate command of  
4           the unified medical command shall hold the grade of lieu-  
5           tenant general or, in the case of an officer of the Navy,  
6           vice admiral while serving in that position, without  
7           vacating his permanent grade. The commander of such a  
8           subordinate command shall be appointed to that grade by  
9           the President, by and with the advice and consent of the  
10          Senate, for service in that position. The commander of  
11          such a subordinate command shall also be required to be  
12          a surgeon general of one of the military departments.

13          “(e) AUTHORITY OF COMBATANT COMMANDER.—(1)  
14          In addition to the authority prescribed in section 164(c)  
15          of this title, the commander of the unified medical com-  
16          mand shall be responsible for, and shall have the authority  
17          to conduct, all affairs of such command relating to medical  
18          operations activities.

19          “(2) The commander of such command shall be re-  
20          sponsible for, and shall have the authority to conduct, the  
21          following functions relating to medical operations activities  
22          (whether or not relating to the unified medical command):

23                  “(A) Developing programs and doctrine.

24                  “(B) Preparing and submitting to the Secretary  
25          of Defense program recommendations and budget

1 proposals for the forces described in subsection (b)  
2 and for other forces assigned to the unified medical  
3 command.

4 “(C) Exercising authority, direction, and con-  
5 trol over the expenditure of funds—

6 “(i) for forces assigned to the unified med-  
7 ical command;

8 “(ii) for the forces described in subsection  
9 (b) assigned to unified combatant commands  
10 other than the unified medical command to the  
11 extent directed by the Secretary of Defense;  
12 and

13 “(iii) for military construction funds of the  
14 Defense Health Program.

15 “(D) Training assigned forces.

16 “(E) Conducting specialized courses of instruc-  
17 tion for commissioned and noncommissioned officers.

18 “(F) Validating requirements.

19 “(G) Establishing priorities for requirements.

20 “(H) Ensuring the interoperability of equip-  
21 ment and forces.

22 “(I) Monitoring the promotions, assignments,  
23 retention, training, and professional military edu-  
24 cation of medical officers described in paragraph (1),  
25 (2), (3), (4), (5), or (6) of section 335(j) of title 37.

1       “(3) The commander of such command shall be re-  
2 sponsible for the Defense Health Program, including the  
3 Defense Health Program Account established under sec-  
4 tion 1100 of this title.

5       “(f) DEFENSE HEALTH AGENCY.—(1) In estab-  
6 lishing the unified medical command under subsection (a),  
7 the Secretary shall also establish under section 191 of this  
8 title a defense agency for health care (in this section re-  
9 ferred to as the ‘Defense Health Agency’), and shall trans-  
10 fer to such agency the organization of the Department of  
11 Defense referred to as the TRICARE Management Activ-  
12 ity and all functions of the TRICARE Program (as de-  
13 fined in section 1072(7)).

14       “(2) The director of the Defense Health Agency shall  
15 hold the rank of lieutenant general or, in the case of an  
16 officer of the Navy, vice admiral while serving in that posi-  
17 tion, without vacating his permanent grade. The director  
18 of such agency shall be appointed to that grade by the  
19 President, by and with the advice and consent of the Sen-  
20 ate, for service in that position. The director of such agen-  
21 cy shall be a member of a health profession described in  
22 paragraph (1), (2), (3), (4), (5), or (6) of section 335(j)  
23 of title 37.

24       “(g) REGULATIONS.—In establishing the unified  
25 medical command under subsection (a), the Secretary of

1 Defense shall prescribe regulations for the activities of the  
2 unified medical command.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of such chapter is amended  
5 by inserting after the item relating to section 167a  
6 the following new item:

“167b. Unified combatant command for medical operations.”.

7 (b) PLAN, NOTIFICATION, AND REPORT.—

8 (1) PLAN.—Not later than July 1, 2013, the  
9 Secretary of Defense shall submit to the congres-  
10 sional defense committees a comprehensive plan to  
11 establish the unified medical command authorized  
12 under section 167b of title 10, United States Code,  
13 as added by subsection (a), including any legislative  
14 actions the Secretary considers necessary to imple-  
15 ment the plan.

16 (2) NOTIFICATION.—The Secretary shall sub-  
17 mit to the congressional defense committees written  
18 notification of the time line of the Secretary to es-  
19 tablish the unified medical command under such sec-  
20 tion 167b by not later than the date that is 30 days  
21 before establishing such command.

22 (3) REPORT.—Not later than 180 days after  
23 submitting the notification under paragraph (2), the  
24 Secretary shall submit to the congressional defense  
25 committees a report on—

1 (A) the establishment of the unified med-  
2 ical command; and

3 (B) the establishment of the Defense  
4 Health Agency under subsection (f) of such sec-  
5 tion 167b.

6 **SEC. 712. AUTHORITY FOR AUTOMATIC ENROLLMENT IN**  
7 **TRICARE PRIME OF DEPENDENTS OF MEM-**  
8 **BERS IN PAY GRADES ABOVE PAY GRADE E-**  
9 **4.**

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

12 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-  
13 PENDENTS.—(1) In the case of a dependent of a member  
14 of the uniformed services who is entitled to medical and  
15 dental care under section 1076(a)(2)(A) of this title and  
16 resides in an area in which TRICARE Prime is offered,  
17 the Secretary—

18 “(A) shall automatically enroll the dependent in  
19 TRICARE Prime if the member is in pay grade E–  
20 4 or below; and

21 “(B) may automatically enroll the dependent in  
22 TRICARE Prime if the member is in pay grade E–  
23 5 or higher.

24 “(2) Whenever a dependent of a member is enrolled  
25 in TRICARE Prime under paragraph (1), the Secretary



1 concerned shall provide written notice of the enrollment  
2 to the member.

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

6 **SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BE-**  
7 **TWEEN THE MILITARY DEPARTMENTS AND**  
8 **NON-MILITARY HEALTH CARE ENTITIES.**

9 (a) **AUTHORITY.**—In addition to the authority of the  
10 Secretary of Defense under section 713 of the National  
11 Defense Authorization Act of 2010 (10 U.S.C. 1073 note),  
12 the Secretary of each military department may establish  
13 cooperative health care agreements between military in-  
14 stallations and local or regional health care entities.

15 (b) **REQUIREMENTS.**—In establishing an agreement  
16 under subsection (a), the Secretary concerned shall—

17 (1) consult with—

18 (A) representatives from the military in-  
19 stallation selected for the agreement, including  
20 the TRICARE managed care support con-  
21 tractor with responsibility for such installation;  
22 and

23 (B) Federal, State, and local government  
24 officials;

1           (2) identify and analyze health care services  
2           available in the area in which the military installa-  
3           tion is located, including such services available at a  
4           military medical treatment facility or in the private  
5           sector (or a combination thereof);

6           (3) determine the cost avoidance or savings re-  
7           sulting from innovative partnerships between the  
8           military department concerned and the private sec-  
9           tor; and

10          (4) determine the opportunities for and barriers  
11          to coordinating and leveraging the use of existing  
12          health care resources, including such resources of  
13          Federal, State, local, and private entities.

14          (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
15          tion shall be construed as authorizing the provision of  
16          health care services at military medical treatment facilities  
17          or other facilities of the Department of Defense to individ-  
18          uals who are not otherwise entitled or eligible for such  
19          services under chapter 55 of title 10, United States Code.

20          (d) SECRETARY CONCERNED DEFINED.—In this sec-  
21          tion, the term “Secretary concerned” has the meaning  
22          given that term in section 101(a)(9) of title 10, United  
23          States Code.

1 **SEC. 714. REQUIREMENT TO ENSURE THE EFFECTIVENESS**  
2 **AND EFFICIENCY OF HEALTH ENGAGEMENTS.**

3 (a) IN GENERAL.—The Secretary of Defense, in co-  
4 ordination with the Assistant Secretary of Defense for  
5 Health Affairs and the Uniformed Services University of  
6 the Health Sciences, shall develop a process to ensure that  
7 health engagements conducted by the Department of De-  
8 fense are effective and efficient in meeting the national  
9 security goals of the United States.

10 (b) PROCESS GOALS.—The Assistant Secretary of  
11 Defense for Health Affairs and the Uniformed Services  
12 University of the Health Sciences shall ensure that each  
13 process developed under subsection (a)—

14 (1) assesses the operational mission capabilities  
15 of the health engagement;

16 (2) uses the collective expertise of the Federal  
17 Government and non-governmental organizations to  
18 ensure collaboration and partnering activities; and

19 (3) assesses the stability and resiliency of the  
20 host nation of such engagement.

21 (c) PILOT PROGRAMS.—The Secretary of Defense, in  
22 coordination with the Uniformed Services University of  
23 Health Sciences, may conduct pilot programs to assess the  
24 effectiveness of any process developed under subsection (a)  
25 to ensure the applicability of the process to health engage-  
26 ments conducted by the Department of Defense.

1 **SEC. 715. CLARIFICATION OF APPLICABILITY OF FEDERAL**  
2 **TORT CLAIMS ACT TO SUBCONTRACTORS EM-**  
3 **PLOYED TO PROVIDE HEALTH CARE SERV-**  
4 **ICES TO THE DEPARTMENT OF DEFENSE.**

5 Section 1089(a) of title 10, United States Code, is  
6 amended in the last sentence—

7 (1) by striking “if the physician, dentist, nurse,  
8 pharmacist, or paramedical” and inserting “to such  
9 a physician, dentist, nurse, pharmacist, or para-  
10 medical”;

11 (2) by striking “involved is”; and

12 (3) by inserting before the period at the end the  
13 following: “or a subcontract at any tier under such  
14 a contract”.

15 **SEC. 716. PILOT PROGRAM ON INCREASED THIRD-PARTY**  
16 **COLLECTION REIMBURSEMENTS IN MILI-**  
17 **TARY MEDICAL TREATMENT FACILITIES.**

18 (a) PILOT PROGRAM.—

19 (1) IN GENERAL.—The Secretary of Defense, in  
20 coordination with the Secretaries of the military de-  
21 partments, shall carry out a pilot program to assess  
22 the feasibility of using processes described in para-  
23 graph (2) to increase the amounts collected under  
24 section 1095 of title 10, United States Code, from  
25 a third-party payer for charges for health care serv-

1       ices incurred by the United States at a military  
2       medical treatment facility.

3           (2) PROCESSES DESCRIBED.—The processes de-  
4       scribed in this paragraph are revenue-cycle improve-  
5       ment processes, including cash-flow management  
6       and accounts-receivable processes.

7       (b) REQUIREMENTS.—In carrying out the pilot pro-  
8       gram under subsection (a)(1), the Secretary shall—

9           (1) identify and analyze the best practice op-  
10      tions with respect to the processes described in sub-  
11      section (a)(2) that are used in nonmilitary health  
12      care facilities; and

13          (2) conduct a cost-benefit analysis to assess the  
14      pilot program, including an analysis of—

15           (A) the different processes used in the  
16      pilot program;

17           (B) the amount of third-party collections  
18      that resulted from such processes;

19           (C) the cost to implement and sustain such  
20      processes; and

21           (D) any other factors the Secretary deter-  
22      mines appropriate to assess the pilot program.

23       (c) LOCATIONS.—The Secretary shall carry out the  
24      pilot program under subsection (a)(1) at not less than two

1 military installations of different military departments  
2 that meet the following criteria:

3 (1) There is a military medical treatment facil-  
4 ity that has inpatient and outpatient capabilities at  
5 the installation.

6 (2) At least 40 percent of the military bene-  
7 ficiary population residing in the catchment area  
8 surrounding the installation is potentially covered by  
9 a third-party payer (as defined in section 1095(h)(1)  
10 of title 10, United States Code).

11 (d) DURATION.—The Secretary shall commence the  
12 pilot program under subsection (a)(1) by not later than  
13 270 days after the date of the enactment of this Act and  
14 shall carry out such program for three years.

15 (e) REPORT.—Not later than 180 days after com-  
16 pleting the pilot program under subsection (a)(1), the Sec-  
17 retary shall submit to the congressional defense commit-  
18 tees a report describing the results of the program, includ-  
19 ing—

20 (1) a comparison of—

21 (A) the processes described in subsection  
22 (a)(2) that were used in the military medical  
23 treatment facilities participating in the pro-  
24 gram; and

1 (B) the third-party collection processes  
2 used by military medical treatment facilities not  
3 included in the program;

4 (2) a cost analysis of implementing the proc-  
5 esses described in subsection (a)(2) for third-party  
6 collections at military medical treatment facilities;  
7 and

8 (3) an assessment of the program, including  
9 any recommendations to improve third-party collec-  
10 tions.

11 **SEC. 717. PILOT PROGRAM FOR REFILLS OF MAINTENANCE**  
12 **MEDICATIONS FOR TRICARE FOR LIFE BENE-**  
13 **FICIARIES THROUGH THE TRICARE MAIL-**  
14 **ORDER PHARMACY PROGRAM.**

15 (a) IN GENERAL.—The Secretary of Defense shall  
16 conduct a pilot program to refill prescription maintenance  
17 medications for each TRICARE for Life beneficiary  
18 through the national mail-order pharmacy program under  
19 section 1074g(a)(2)(E)(iii) of title 10, United States  
20 Code.

21 (b) MEDICATIONS COVERED.—

22 (1) DETERMINATION.—The Secretary shall de-  
23 termine the prescription maintenance medications  
24 included in the pilot program under subsection (a).

1           (2) SUPPLY.—In carrying out the pilot program  
2           under subsection (a), the Secretary shall ensure that  
3           the medications included in the program are—

4                   (A) generally available to the TRICARE  
5                   for Life beneficiary through retail pharmacies  
6                   only for an initial filling of a 30-day or less  
7                   supply; and

8                   (B) any refills of such medications are ob-  
9                   tained through the national mail-order phar-  
10                  macy program.

11          (3) EXEMPTION.— The Secretary may exempt  
12          the following prescription maintenance medications  
13          from the requirements in paragraph (2):

14                  (A) Such medications that are for acute  
15                  care needs.

16                  (B) Such other medications as the Sec-  
17                  retary determines appropriate.

18          (c) NONPARTICIPATION.—

19                  (1) OPT OUT.—The Secretary shall give  
20                  TRICARE for Life beneficiaries who have been cov-  
21                  ered by the pilot program under subsection (a) for  
22                  a period of one year an opportunity to opt out of  
23                  continuing to participate in the program.

24                  (2) WAIVER.—The Secretary may waive the re-  
25                  quirement of a TRICARE for Life beneficiary to



1       participate in the pilot program under subsection (a)  
2       if the Secretary determines, on an individual basis,  
3       that such waiver is appropriate.

4       (d) **TRICARE FOR LIFE BENEFICIARY DEFINED.**—

5   In this section, the term “TRICARE for Life beneficiary”  
6   means a TRICARE beneficiary enrolled in the Medicare  
7   wraparound coverage option of the TRICARE program  
8   made available to the beneficiary by reason of section  
9   1086(d) of title 10, United States Code.

10       (e) **REPORTS.**—Not later than March 31 of each year  
11   beginning in 2014 and ending in 2018, the Secretary shall  
12   submit to the congressional defense committees a report  
13   on the pilot program under subsection (a), including the  
14   effects of offering incentives for the use of mail order  
15   pharmacies by TRICARE beneficiaries and the effect on  
16   retail pharmacies.

17       (f) **SUNSET.**—The Secretary may not carry out the  
18   pilot program under subsection (a) after December 31,  
19   2017.

20   **SEC. 718. COST-SHARING RATES FOR PHARMACY BENEFITS**  
21                           **PROGRAM OF THE TRICARE PROGRAM.**

22       (a) **IN GENERAL.**—Section 1074g(a)(6) of title 10,  
23   United States Code, is amended—

24                   (1) by amending subparagraph (A) to read as  
25       follows:

1       “(A) The Secretary, in the regulations prescribed  
2 under subsection (h), shall establish cost-sharing require-  
3 ments under the pharmacy benefits program. In accord-  
4 ance with subparagraph (C), such cost-sharing require-  
5 ments shall consist of the following:

6               “(i) With respect to each supply of a prescrip-  
7 tion covering not more than 30 days that is obtained  
8 by a covered beneficiary under the TRICARE retail  
9 pharmacy program—

10                       “(I) in the case of generic agents, \$5;

11                       “(II) in the case of formulary agents, \$17;

12                       and

13                       “(III) in the case of nonformulary agents,  
14 \$44.

15               “(ii) With respect to each supply of a prescrip-  
16 tion covering not more than 90 days that is obtained  
17 by a covered beneficiary under the national mail-  
18 order pharmacy program—

19                       “(I) in the case of generic agents, \$0;

20                       “(II) in the case of formulary agents, \$13;

21                       and

22                       “(III) in the case of nonformulary agents,  
23 \$43.”; and

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

1 “(C) Beginning October 1, 2013, the Secretary may  
2 only increase in any year the cost-sharing amount estab-  
3 lished under subparagraph (A) by an amount equal to the  
4 percentage by which retired pay is increased under section  
5 1401a of this title.”.

6 (b) EFFECTIVE DATE.—The cost-sharing require-  
7 ments under section 1074g(a)(6)(A) of title 10, United  
8 States Code, as amended by subsection (a)(1), shall apply  
9 with respect to prescriptions obtained under the  
10 TRICARE pharmacy benefits program on or after October  
11 1, 2012.

12 **SEC. 719. REVIEW OF THE ADMINISTRATION OF THE MILI-**  
13 **TARY HEALTH SYSTEM.**

14 Section 716(a)(1) of the National Defense Authoriza-  
15 tion Act for Fiscal Year 2012 (Public Law 112–81; 125  
16 Stat. 1477) is amended by striking “until a 120-day pe-  
17 riod” and all that follows through the period and inserting  
18 the following: “until the Secretary implements and com-  
19 pletes any recommendations included in the report sub-  
20 mitted by the Comptroller General of the United States  
21 under subsection (b)(3) and notifies the congressional de-  
22 fense committees of such implementation and comple-  
23 tion.”.

1       **Subtitle C—Reports and Other**  
2                   **Matters**

3   **SEC. 721. EXTENSION OF COMPTROLLER GENERAL REPORT**  
4                   **ON CONTRACT HEALTH CARE STAFFING FOR**  
5                   **MILITARY MEDICAL TREATMENT FACILITIES.**

6       Section 726(a) of the National Defense Authorization  
7 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
8 1480) is amended by striking “March 31, 2012” and in-  
9 serting “March 31, 2013”.

10   **SEC. 722. EXTENSION OF COMPTROLLER GENERAL REPORT**  
11                   **ON WOMEN-SPECIFIC HEALTH SERVICES AND**  
12                   **TREATMENT FOR FEMALE MEMBERS OF THE**  
13                   **ARMED FORCES.**

14       Section 725(c) of the National Defense Authorization  
15 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
16 1480) is amended by striking “December 31, 2012” and  
17 inserting “March 31, 2013”.

18   **SEC. 723. ESTABLISHMENT OF TRICARE WORKING GROUP.**

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

21               (1) children of members of the Armed Forces  
22       deserve health-care practices and policies that—

23                   (A) are designed to meet their pediatric-  
24       specific needs;

1           (B) are developed and determined  
2           proactively and comprehensively; and

3           (C) ensure and maintain their access to pe-  
4           diatric-specific treatments, providers, and facili-  
5           ties.

6           (2) children's health-care needs and standards  
7           of care are different and distinct from those of  
8           adults, therefore the TRICARE program should un-  
9           dertake a proactive, comprehensive approach to re-  
10          view and analyze its policies and practices to meet  
11          the needs of children to ensure that children and  
12          their families receive appropriate care in proper set-  
13          tings and avoid unnecessary challenges in seeking or  
14          obtaining proper health care;

15          (3) a proactive and comprehensive review is  
16          necessary because the reimbursement structure of  
17          the TRICARE program is patterned upon Medicare  
18          and the resulting policies and practices of the  
19          TRICARE program do not always properly reflect  
20          appropriate standards for pediatric care;

21          (4) one distinct aspect of children's health care  
22          is the need for specialty care and services for chil-  
23          dren with special-health-care needs and chronic-  
24          health conditions;

1           (5) the requirement for specialized health care  
2           and developmental support is an ongoing and serious  
3           matter of day-to-day life for families with children  
4           with special or chronic-health-care needs;

5           (6) the Department of Defense and the  
6           TRICARE program, recognizing the special needs of  
7           certain children, have instituted special-needs pro-  
8           grams, including the ECHO program, but there are  
9           collateral needs that are not being met, generally be-  
10          cause the services are provided in the local commu-  
11          nity rather than by the Department of Defense, who  
12          may not always have the best tools or knowledge to  
13          access these State and local resources;

14          (7) despite wholehearted efforts by the Depart-  
15          ment of Defense, a gap exists between linking mili-  
16          tary families with children with special-health-care  
17          needs and chronic conditions with the resources and  
18          services available from local or regional highly spe-  
19          cialized providers and the communities and States in  
20          which they reside;

21          (8) the gap is especially exacerbated by the mo-  
22          bility of military families, who often move from  
23          State to State, because special-needs health care,  
24          educational, and social services are very specific to

1 each local community and State and such services  
2 often have lengthy waiting lists; and

3 (9) the Department of Defense will be better  
4 able to assist military families with children with  
5 special-health-care needs fill the gap by collaborating  
6 with special-health-care needs providers and those  
7 knowledgeable about the opportunities for such chil-  
8 dren that are provided by States and local commu-  
9 nities.

10 (b) ESTABLISHMENT.—

11 (1) IN GENERAL.—The Secretary of Defense  
12 shall establish a working group to carry out a review  
13 of the TRICARE program with respect to—

14 (A) pediatric health care needs under para-  
15 graph (2); and

16 (B) pediatric special and chronic health  
17 care needs under paragraph (3).

18 (2) PEDIATRIC HEALTH CARE NEEDS.—

19 (A) DUTIES.—The working group shall—

20 (i) comprehensively review the policy  
21 and practices of the TRICARE program  
22 with respect to providing pediatric health  
23 care;

24 (ii) recommend changes to such poli-  
25 cies and practices to ensure that—

1 (I) children receive appropriate  
2 care in an appropriate manner, at the  
3 appropriate time, and in an appro-  
4 priate setting; and

5 (II) access to care and treatment  
6 provided by pediatric providers and  
7 children's hospitals remains available  
8 for families with children; and

9 (iii) develop a plan to implement such  
10 changes.

11 (B) REVIEW.—In carrying out the duties  
12 under subparagraph (A), the working group  
13 shall—

14 (i) identify improvements in policies,  
15 practices, and administration of the  
16 TRICARE program with respect to pedi-  
17 atric-specific health care and pediatric-spe-  
18 cific healthcare settings;

19 (ii) analyze the direct and indirect ef-  
20 fects of the reimbursement policies and  
21 practices of the TRICARE program with  
22 respect to pediatric care and care provided  
23 in pediatric settings;

24 (iii) consider case management pro-  
25 grams with respect to pediatric complex



1 and chronic care, including whether pedi-  
2 atric specific programs are necessary;

3 (iv) develop a plan to ensure that the  
4 TRICARE program addresses pediatric-  
5 specific health care needs on an on-going  
6 basis beyond the life of the working group;

7 (v) consider how the TRICARE pro-  
8 gram can work with the pediatric provider  
9 community to ensure access, promote com-  
10 munication and collaboration, and optimize  
11 experiences of military families seeking and  
12 receiving health care services for children;  
13 and

14 (vi) review matters that further the  
15 mission of the working group.

16 (3) PEDIATRIC SPECIAL AND CHRONIC HEALTH  
17 CARE NEEDS.—

18 (A) DUTIES.—The working group shall—

19 (i) review the methods in which fami-  
20 lies in the TRICARE program who have  
21 children with special-health-care needs ac-  
22 cess community resources and health-care  
23 resources;

24 (ii) review how having access to, and  
25 a better understanding of, community re-

1 sources may improve access to health care  
2 and support services;

3 (iii) recommend methods to accom-  
4 plish improved access by such children and  
5 families to community resources and  
6 health-care resources, including through  
7 collaboration with children's hospitals and  
8 other providers of pediatric specialty care,  
9 local agencies, local communities, and  
10 States;

11 (iv) consider approaches and make  
12 recommendations for the improved integra-  
13 tion of individualized or compartmentalized  
14 medical and family support resources for  
15 military families;

16 (v) work closely with the Office of  
17 Community Support for Military Families  
18 with Special Needs of the Department of  
19 Defense and other relevant offices to avoid  
20 redundancies and target shared areas of  
21 concern for children with special or chron-  
22 ic-health-care needs; and

23 (vi) review any relevant information  
24 learned and findings made by the working  
25 group under this paragraph that may be

1 considered or adopted in a consistent man-  
2 ner with respect to improving access, re-  
3 sources, and services for adults with spe-  
4 cial needs.

5 (B) REVIEW.—In carrying out the duties  
6 under subparagraph (A), the working group  
7 shall—

8 (i) discuss improvements to special  
9 needs health care policies and practices;

10 (ii) determine how to support and pro-  
11 tect families of members of the National  
12 Guard or Reserve Components as the  
13 members transition into and out of the rel-  
14 evant Exceptional Family Member Pro-  
15 gram or the ECHO program;

16 (iii) analyze case management services  
17 to improve consistency, communication,  
18 knowledge, and understanding of resources  
19 and community contacts;

20 (iv) identify areas in which a State  
21 may offer services that are not covered by  
22 the TRICARE program or the ECHO pro-  
23 gram and how to coordinate such services;

24 (v) identify steps that States and  
25 communities can take to improve support

1 for military families of children with spe-  
2 cial health care needs;

3 (vi) consider how the TRICARE pro-  
4 gram and other programs of the Depart-  
5 ment of Defense can work with specialty  
6 pediatric providers and resource commu-  
7 nities to ensure access, promote commu-  
8 nication and collaboration, and optimize  
9 experiences of military families seeking and  
10 receiving health care services for their chil-  
11 dren with special or chronic health care  
12 needs;

13 (vii) consider special and chronic  
14 health care in a comprehensive manner  
15 without focus on one or more conditions or  
16 diagnoses to the exclusion of others;

17 (viii) focus on ways to create innova-  
18 tive partnerships, linkages, and access to  
19 information and resources for military  
20 families across the spectrum of the special-  
21 needs community and between the medical  
22 community and the family support commu-  
23 nity; and

24 (ix) review matters that further the  
25 mission of the working group.

1 (c) MEMBERSHIP.—

2 (1) APPOINTMENTS.—The working group shall  
3 be composed of not less than 14 members as follows:

4 (A) The Chief Medical Officer of the  
5 TRICARE program, who shall serve as chair-  
6 person.

7 (B) The Chief Medical Officers of the  
8 North, South, and West regional offices of the  
9 TRICARE program.

10 (C) One individual representing the Army  
11 appointed by the Surgeon General of the Army.

12 (D) One individual representing the Navy  
13 appointed by the Surgeon General of the Navy.

14 (E) One individual representing the Air  
15 Force appointed by the Surgeon General of the  
16 Air Force.

17 (F) One individual representing the re-  
18 gional managed care support contractor of the  
19 North region of the TRICARE program ap-  
20 pointed by such contractor.

21 (G) One individual representing the re-  
22 gional managed care support contractor of the  
23 South region of the TRICARE program ap-  
24 pointed by such contractor.

1           (H) One individual representing the re-  
2           gional managed care support contractor of the  
3           West region of the TRICARE program ap-  
4           pointed by such contractor.

5           (I) Not more than three individuals rep-  
6           resenting the non-profit organization the Mili-  
7           tary Coalition appointed by such organization.

8           (J) One individual representing the Amer-  
9           ican Academy of Pediatrics appointed by such  
10          organization.

11          (K) One individual representing the Na-  
12          tional Association of Children's Hospitals ap-  
13          pointed by such organization.

14          (L) One individual representing military  
15          families who is not an employee of an organiza-  
16          tion representing such families.

17          (M) Any other individual as determined by  
18          the Chief Medical Officer of the TRICARE pro-  
19          gram.

20          (2) TERMS.—Each member shall be appointed  
21          for the life of the working group. A vacancy in the  
22          working group shall be filled in the manner in which  
23          the original appointment was made.

24          (3) TRAVEL EXPENSES.—Each member shall  
25          receive travel expenses, including per diem in lieu of

1 subsistence, in accordance with applicable provisions  
2 under subchapter I of chapter 57 of title 5, United  
3 States Code.

4 (4) STAFF.—The Secretary of Defense shall en-  
5 sure that employees of the TRICARE program pro-  
6 vide the working group with the necessary support  
7 to carry out this section.

8 (d) MEETINGS.—

9 (1) SCHEDULE.—The working group shall—

10 (A) convene its first meeting not later than  
11 60 days after the date of the enactment of this  
12 Act; and

13 (B) convene not less than four other times.

14 (2) FORM.—Any meeting of the working group  
15 may be conducted in-person or through the use of  
16 video conferencing.

17 (3) QUORUM.—Seven members of the working  
18 group shall constitute a quorum but a lesser number  
19 may hold hearings.

20 (e) ADVICE.—With respect to carrying out the review  
21 of the TRICARE program and pediatric special and  
22 chronic health care needs under subsection (b)(3), the  
23 working group shall seek counsel from the following indi-  
24 viduals acting as an expert advisory group:

1           (1) One individual representing the Exceptional  
2       Family Member Program of the Army.

3           (2) One individual representing the Exceptional  
4       Family Member Program of the Navy.

5           (3) One individual representing the Exceptional  
6       Family Member Program of the Air Force.

7           (4) One individual representing the Exceptional  
8       Family Member Program of the Marine Corps.

9           (5) One individual representing the Office of  
10      Community Support for Military Families with Spe-  
11      cial Needs.

12          (6) One individual who is not an employee of an  
13      organization representing military families shall rep-  
14      resent a military family with a child with special  
15      health care needs.

16          (7) Not more than three individuals rep-  
17      resenting organizations that—

18                (A) are not otherwise represented in this  
19      paragraph or in the working group; and

20                (B) possess expertise needed to carry out  
21      the goals of the working group.

22      (f) REPORTS REQUIRED.—

23                (1) REPORT.—Not later than 12 months after  
24      the date on which the working group convenes its  
25      first meeting, the working group shall submit to the



1 congressional defense committees a report includ-  
2 ing—

3 (A) any changes described in subsection  
4 (b)(2)(A)(ii) identified by the working group  
5 that—

6 (i) require legislation to carry out, in-  
7 cluding proposed legislative language for  
8 such changes;

9 (ii) require regulations to carry out,  
10 including proposed regulatory language for  
11 such changes; and

12 (iii) may be carried out without legis-  
13 lation or regulations, including a time line  
14 for such changes; and

15 (B) steps that States and local commu-  
16 nities may take to improve the experiences of  
17 military families with special-needs children in  
18 interacting with and accessing State and local  
19 community resources.

20 (2) FINAL REPORT.—Not later than 18 months  
21 after the date on which the report is submitted  
22 under paragraph (1), the working group shall sub-  
23 mit to the congressional defense committees a final  
24 report including—

1 (A) any additional information and up-  
2 dates to the report submitted under paragraph  
3 (1);

4 (B) information with respect to how the  
5 Secretary of Defense is implementing the  
6 changes identified in the report submitted  
7 under paragraph (1); and

8 (C) information with respect to any steps  
9 described in subparagraph (B) of such para-  
10 graph that were taken by States and local com-  
11 munities after the date on which such report  
12 was submitted.

13 (g) TERMINATION.—The working group shall termi-  
14 nate on the date that is 30 days after the date on which  
15 the working group submits the final report pursuant to  
16 subsection (f)(2).

17 (h) DEFINITIONS.—In this Act:

18 (1) The term “children” means dependents of a  
19 member of the Armed Forces who are—

20 (A) individuals who have not yet attained  
21 the age of 21; or

22 (B) individuals who have not yet attained  
23 the age of 27 if the inclusion of such depend-  
24 ents is applicable and relevant to a program or  
25 policy being reviewed under this Act.

1           (2) The term “congressional defense commit-  
2       tees” has the meaning given that term in section  
3       101(a)(16) of title 10, United States Code.

4           (3) The term “ECHO program” means the pro-  
5       gram established pursuant to subsections (d)  
6       through (e) of section 1079 of title 10, United  
7       States Code (commonly referred to as the “Extended  
8       Care Health Option program”).

9           (4) The term “TRICARE program” means the  
10      managed health care program that is established by  
11      the Department of Defense under chapter 55 of title  
12      10, United States Code.

13 **SEC. 724. REPORT ON STRATEGY TO TRANSITION TO USE**  
14                   **OF HUMAN-BASED METHODS FOR CERTAIN**  
15                   **MEDICAL TRAINING.**

16       (a) REPORT.—

17           (1) IN GENERAL.—Not later than March 1,  
18       2013, the Secretary of Defense shall submit to the  
19       congressional defense committees a report that out-  
20       lines a strategy to refine and, when appropriate,  
21       transition to using human-based training methods  
22       for the purpose of training members of the Armed  
23       Forces in the treatment of combat trauma injuries  
24       by October 1, 2017.

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

3           (A) Required research, development, test-  
4           ing, and evaluation investments to validate  
5           human-based training methods to refine, re-  
6           duce, and, when appropriate, transition from  
7           the use of live animals in medical education and  
8           training by October 1, 2015.

9           (B) Phased sustainment and readiness  
10          costs to refine, reduce, and, when appropriate,  
11          replace the use of live animals in medical edu-  
12          cation and training by October 1, 2017.

13          (C) Any risks associated with transitioning  
14          to human-based training methods, including re-  
15          source availability, anticipated technological de-  
16          velopment time lines, and potential impact on  
17          the present combat trauma training curricula.

18          (D) An assessment of the potential effect  
19          of transitioning to human based-training meth-  
20          ods on the quality of medical care delivered on  
21          the battlefield including any reduction in the  
22          competency of combat medical personnel.

23          (E) An assessment of risks to maintaining  
24          the level of combat life-saver techniques per-  
25          formed by all members of the Armed Forces.

1 (b) UPDATED ANNUAL REPORTS.—Not later than  
2 March 1, 2014, and each year thereafter, the Secretary  
3 shall submit to the congressional defense committees a re-  
4 port on the development and implementation of human-  
5 based training methods for the purposes of training mem-  
6 bers of the Armed Forces in the treatment of combat trau-  
7 ma injuries under this section.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “combat trauma injuries” means  
10 severe injuries likely to occur during combat, includ-  
11 ing—

12 (A) extremity hemorrhage;

13 (B) tension pneumothorax;

14 (C) amputation resulting from blast injury;

15 (D) compromises to the airway; and

16 (E) other injuries.

17 (2) The term “human-based training methods”  
18 means, with respect to training individuals in med-  
19 ical treatment, the use of systems and devices that  
20 do not use animals, including—

21 (A) simulators;

22 (B) partial task trainers;

23 (C) moulage;

24 (D) simulated combat environments; and

25 (E) human cadavers.

1           (3) The term “partial task trainers” means  
2           training aids that allow individuals to learn or prac-  
3           tice specific medical procedures.

4 **SEC. 725. PILOT PROGRAM ON ENHANCEMENTS OF DE-**  
5 **PARTMENT OF DEFENSE EFFORTS ON MEN-**  
6 **TAL HEALTH IN THE NATIONAL GUARD AND**  
7 **RESERVES THROUGH COMMUNITY PARTNER-**  
8 **SHIPS.**

9           (a) PROGRAM AUTHORITY.—The Secretary of De-  
10          fense may carry out a pilot program to enhance the efforts  
11          of the Department of Defense in research, treatment, edu-  
12          cation, and outreach on mental health and substance use  
13          disorders and traumatic brain injury in members of the  
14          National Guard and Reserves, their family members, and  
15          their caregivers through community partners.

16          (b) COMMUNITY PARTNERS.—The Secretary of De-  
17          fense may award grants to community partners described  
18          in subsection (c) using a competitive and merit-based  
19          award process whereby the awardee agrees to make con-  
20          tributions toward the costs of activities carried out with  
21          the grant, from non-Federal sources, an amount equal to  
22          not less than \$3 for each \$1 of funds provided under the  
23          grant.

24          (c) COMMUNITY PARTNER DESCRIBED.—A commu-  
25          nity partner described in this subsection is a private non-

1 profit organization or institution that engages in one or  
2 more of the following:

3           (1) Research on the causes, development, and  
4           innovative treatment of mental health and substance  
5           use disorders and traumatic brain injury in members  
6           of the National Guard and Reserves, their family  
7           members, and their caregivers.

8           (2) Providing treatment to such members and  
9           their families for such mental health and substance  
10          use disorders and traumatic brain injury.

11          (3) Identifying and disseminating evidence-  
12          based treatments of mental health and substance use  
13          disorders and traumatic brain injury described in  
14          paragraph (1).

15          (4) Outreach and education to such members,  
16          their families and caregivers, and the public about  
17          mental health and substance use disorders and trau-  
18          matic brain injury described in paragraph (1).

19          (d) DURATION.—The duration of the pilot program  
20          may not exceed three years.

21          (e) REPORT.—Not later than 180 days before the  
22          completion of the pilot program, the Secretary of Defense  
23          shall submit to the Secretary of Veterans Affairs and Con-  
24          gress a report on the results of the pilot program, includ-  
25          ing the amount of grants so awarded and activities carried

1 out, the number of members of the National Guard and  
2 Reserves provided treatment or services by community  
3 partners, and a description and assessment of the effec-  
4 tiveness and achievements of the pilot program with re-  
5 spect to research, treatment, education, and outreach on  
6 mental health and substance use disorders and traumatic  
7 brain injury.

8 **SEC. 726. STUDY ON BREAST CANCER AMONG MEMBERS OF**  
9 **THE ARMED FORCES AND VETERANS.**

10 (a) STUDY.—The Secretary of Defense and the Sec-  
11 retary of Veterans Affairs shall jointly conduct a study  
12 on the incidence of breast cancer among members of the  
13 Armed Forces (including members of the National Guard  
14 and reserve components) and veterans. Such study shall  
15 include the following:

16 (1) A determination of the number of members  
17 and veterans diagnosed with breast cancer.

18 (2) A determination of demographic informa-  
19 tion regarding such members and veterans, includ-  
20 ing—

21 (A) race;

22 (B) ethnicity;

23 (C) sex;

24 (D) age;



1           (E) possible exposure to hazardous ele-  
2           ments or chemical or biological agents (includ-  
3           ing any vaccines) and where such exposure oc-  
4           curred;

5           (F) the locations of duty stations that such  
6           member or veteran was assigned;

7           (G) the locations in which such member or  
8           veteran was deployed; and

9           (H) the geographic area of residence prior  
10          to deployment.

11          (3) An analysis of breast cancer treatments re-  
12          ceived by such members and veterans.

13          (4) Other information the Secretaries consider  
14          necessary.

15          (b) REPORT.—Not later than 18 months after the  
16          date of the enactment of this Act, the Secretary of Defense  
17          and the Secretary of Veterans Affairs shall jointly submit  
18          to Congress a report containing the results of the study  
19          required under subsection (a).

20          (c) FUNDING INCREASE AND OFFSETTING REDUC-  
21          TION.—Notwithstanding the amounts set forth in the  
22          funding tables in division D—

23                (1) the amount authorized to be appropriated in  
24                section 1406 for the Defense Health Program, as  
25                specified in the corresponding funding table in divi-

1        sion D, is hereby increased by \$10,000,000, with the  
2        amount of the increase allocated to the Defense  
3        Health Program, as set forth in the table under sec-  
4        tion 4501, to carry out this section; and

5            (2) the amount authorized to be appropriated in  
6        section 101 for Weapons Procurement, Navy, as  
7        specified in the corresponding funding table in sec-  
8        tion 4101 of division D, is hereby reduced by a total  
9        \$10,000,000, with the amount of the reduction to be  
10       derived from—

11            (A) Line 004 (AMRAAM) in the amount  
12        of \$2,700,000;

13            (B) Line 006 (JSOW) in the amount of  
14        \$2,700,000; and

15            (C) Line 009 (Hellfire) in the amount of  
16        \$4,600,000.

17       **SEC. 727. INCREASED COLLABORATION WITH NIH TO COM-**  
18       **BAT TRIPLE NEGATIVE BREAST CANCER.**

19        The Office of Health of the Department of Defense  
20        shall work in collaboration with the National Institutes of  
21        Health to—

22            (1) identify specific genetic and molecular tar-  
23        gets and biomarkers for triple negative breast can-  
24        cer; and

1           (2) provide information useful in biomarker se-  
2           lection, drug discovery, and clinical trials design that  
3           will enable both—

4                   (A) triple negative breast cancer patients  
5                   to be identified earlier in the progression of  
6                   their disease; and

7                   (B) the development of multiple targeted  
8                   therapies for the disease.

9   **SEC. 728. PILOT PROGRAM ON PAYMENT FOR TREATMENT**  
10                   **OF MEMBERS OF THE ARMED FORCES AND**  
11                   **VETERANS FOR TRAUMATIC BRAIN INJURY**  
12                   **AND POST-TRAUMATIC STRESS DISORDER.**

13           (a) PAYMENT PROCESS.—The Secretary of Defense  
14   and the Secretary of Veterans Affairs shall carry out a  
15   five-year pilot program under which each such Secretary  
16   shall establish a process through which each Secretary  
17   shall provide payment for treatments (including diagnostic  
18   testing) of traumatic brain injury or post-traumatic stress  
19   disorder received by members of the Armed Forces and  
20   veterans in health care facilities other than military treat-  
21   ment facilities or Department of Veterans Affairs medical  
22   facilities. Such process shall provide that payment be  
23   made directly to the health care facility furnishing the  
24   treatment.

1 (b) CONDITIONS FOR PAYMENT.—The approval by a  
2 Secretary for payment for a treatment pursuant to sub-  
3 section (a) shall be subject to the following conditions:

4 (1) Any drug or device used in the treatment  
5 must be approved or cleared by the Food and Drug  
6 Administration for any purpose.

7 (2) The treatment must have been approved by  
8 an institutional review board operating in accordance  
9 with regulations issued by the Secretary of Health  
10 and Human Services.

11 (3) The treatment (including any patient disclo-  
12 sure requirements) must be used by the health care  
13 provider delivering the treatment.

14 (4) The patient receiving the treatment must  
15 demonstrate an improvement as a result of the  
16 treatment on one or more of the following:

17 (A) Standardized independent pre-treat-  
18 ment and post-treatment neuropsychological  
19 testing.

20 (B) Accepted survey instruments.

21 (C) Neurological imaging.

22 (D) Clinical examination.

23 (5) The patient receiving the treatment must be  
24 receiving the treatment voluntarily.

1           (6) The patient receiving the treatment may not  
2       be a retired member of the uniformed services or of  
3       the Armed Forces who is entitled to benefits under  
4       part A, or eligible to enroll under part B, of title  
5       XVIII of the Social Security Act.

6       (c) ADDITIONAL RESTRICTIONS PROHIBITED.—Ex-  
7       cept as provided in this subsection (b), no restriction or  
8       condition for reimbursement may be placed on any health  
9       care provider that is operating lawfully under the laws of  
10      the State in which the provider is located with respect to  
11      the receipt of payment under this section.

12      (d) PAYMENT DEADLINE.—The Secretary of Defense  
13      and the Secretary of Veterans Affairs shall make a pay-  
14      ment for a treatment pursuant to subsection (a) not later  
15      than 30 days after a member of the Armed Forces or vet-  
16      eran (or health care provider on behalf of such member  
17      or veteran) submits to the Secretary documentation re-  
18      garding the treatment. The Secretary of Defense and the  
19      Secretary of Veterans Affairs shall ensure that the docu-  
20      mentation required under this subsection may not be an  
21      undue burden on the member of the Armed Forces or vet-  
22      eran or on the health care provider.

23      (e) PAYMENT AUTHORITY.—

24           (1) DEPARTMENT OF DEFENSE.—The Sec-  
25      retary of Defense shall make payments under this

1 section for treatments received by members of the  
2 Armed Forces using the authority in subsection  
3 (c)(1) of section 1074 of title 10, United States  
4 Code.

5 (2) DEPARTMENT OF VETERANS AFFAIRS.—

6 The Secretary of Veterans Affairs shall make pay-  
7 ments under this section for treatments received by  
8 veterans using the authority in section 1728 of title  
9 38, United States Code.

10 (f) PAYMENT AMOUNT.—A payment under this sec-  
11 tion shall be made at the equivalent Centers for Medicare  
12 and Medicaid Services reimbursement rate in effect for ap-  
13 propriate treatment codes for the State or territory in  
14 which the treatment is received. If no such rate is in effect,  
15 payment shall be made at a fair market rate, as deter-  
16 mined by the Secretary of Defense, in consultation with  
17 the Secretary of Health and Human Services, with respect  
18 to a patient who is a member of the Armed Forces or  
19 the Secretary of Veterans Affairs with respect to a patient  
20 who is a veteran.

21 (g) DATA COLLECTION AND AVAILABILITY.—

22 (1) IN GENERAL.—The Secretary of Defense  
23 and the Secretary of Veterans Affairs shall jointly  
24 develop and maintain a database containing data  
25 from each patient case involving the use of a treat-

1       ment under this section. The Secretaries shall en-  
2       sure that the database preserves confidentiality and  
3       be made available only—

4               (A) for third-party payer examination;

5               (B) to the appropriate congressional com-  
6       mittees and employees of the Department of  
7       Defense, the Department of Veterans Affairs,  
8       the Department of Health and Human Services,  
9       and appropriate State agencies; and

10              (C) to the primary investigator of the insti-  
11       tutional review board that approved the treat-  
12       ment, in the case of data relating to a patient  
13       case involving the use of such treatment.

14              (2) ENROLLMENT IN INSTITUTIONAL REVIEW  
15       BOARD STUDY.—In the case of a patient enrolled in  
16       a registered institutional review board study, results  
17       may be publically distributable in accordance with  
18       the regulations prescribed pursuant to the Health  
19       Insurance Portability and Accountability Act of  
20       1996 (Public Law 104–191) and other regulations  
21       and practices in effect as of the date of the enact-  
22       ment of this Act.

23              (3) QUALIFIED INSTITUTIONAL REVIEW  
24       BOARDS.—The Secretary of Defense and the Sec-  
25       retary of Veterans Affairs shall each ensure that the

1 Internet Web site of their respective departments in-  
2 cludes a list of all civilian institutional review board  
3 studies that have received a payment under this sec-  
4 tion.

5 (h) ASSISTANCE FOR MEMBERS TO OBTAIN TREAT-  
6 MENT.—

7 (1) ASSIGNMENT TO TEMPORARY DUTY.—The  
8 Secretary of a military department may assign a  
9 member of the Armed Forces under the jurisdiction  
10 of the Secretary to temporary duty or allow the  
11 member a permissive temporary duty in order to  
12 permit the member to receive treatment for trau-  
13 matic brain injury or post-traumatic stress disorder,  
14 for which payments shall be made under subsection  
15 (a), at a location beyond reasonable commuting dis-  
16 tance of the member's permanent duty station.

17 (2) PAYMENT OF PER DIEM.—A member who is  
18 away from the member's permanent station may be  
19 paid a per diem in lieu of subsistence in an amount  
20 not more than the amount to which the member  
21 would be entitled if the member were performing  
22 travel in connection with a temporary duty assign-  
23 ment.

24 (3) GIFT RULE WAIVER.—Notwithstanding any  
25 rule of any department or agency with respect to



1 ethics or the receipt of gifts, any assistance provided  
2 to a member of the Armed Forces with a service-  
3 connected injury or disability for travel, meals, or  
4 entertainment incidental to receiving treatment  
5 under this section, or for the provision of such treat-  
6 ment, shall not be subject to or covered by any such  
7 rule.

8 (i) RETALIATION PROHIBITED.—No retaliation may  
9 be made against any member of the Armed Forces or vet-  
10 eran who receives treatment as part of registered institu-  
11 tional review board study carried out by a civilian health  
12 care practitioner.

13 (j) TREATMENT OF UNIVERSITY AND NATIONALLY  
14 ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For  
15 purposes of this section, a university-affiliated or nation-  
16 ally accredited institutional review board shall be treated  
17 in the same manner as a Government institutional review  
18 board.

19 (k) MEMORANDA OF UNDERSTANDING.—The Sec-  
20 retary of Defense and the Secretary of Veterans Affairs  
21 shall seek to expeditiously enter into memoranda of under-  
22 standings with civilian institutional review boards de-  
23 scribed in subsection (j) for the purpose of providing for  
24 members of the Armed Forces and veterans to receive  
25 treatment carried out by civilian health care practitioners

1 under a treatment approved by and under the oversight  
2 of civilian institutional review boards that would qualify  
3 for payment under this section.

4 (l) OUTREACH REQUIRED.—

5 (1) OUTREACH TO VETERANS.—The Secretary  
6 of Veterans Affairs shall notify each veteran with a  
7 service-connected injury or disability of the oppor-  
8 tunity to receive treatment pursuant to this section.

9 (2) OUTREACH TO MEMBERS OF THE ARMED  
10 FORCES.—The Secretary of Defense shall notify  
11 each member of the Armed Forces with a service-  
12 connected injury or disability of the opportunity to  
13 receive treatment pursuant to this section.

14 (m) REPORT TO CONGRESS.—Not later than 30 days  
15 after the last day of each fiscal year during which the Sec-  
16 retary of Defense and the Secretary of Veterans Affairs  
17 are authorized to make payments under this section, the  
18 Secretaries shall jointly submit to Congress an annual re-  
19 port on the implementation of this section. Such report  
20 shall include each of the following for that fiscal year:

21 (1) The number of individuals for whom the  
22 Secretary has provided payments under this section.

23 (2) The condition for which each such indi-  
24 vidual receives treatment for which payment is pro-

1        vided under this section and the success rate of each  
2        such treatment.

3            (3) Treatment methods that are used by enti-  
4        ties receiving payment provided under this section  
5        and the respective rate of success of each such meth-  
6        od.

7            (4) The recommendations of the Secretaries  
8        with respect to the integration of treatment methods  
9        for which payment is provided under this section  
10       into facilities of the Department of Defense and De-  
11       partment of Veterans Affairs.

12        (n) TERMINATION.—The authority to make a pay-  
13       ment under this section shall terminate on the date that  
14       is five years after the date of the enactment of this Act.

15        (o) AUTHORIZATION OF APPROPRIATIONS.—There is  
16       authorized to be appropriated to carry out this section  
17       \$10,000,000 for each fiscal year during which the Sec-  
18       retary of Veterans Affairs and the Secretary of Defense  
19       are authorized to make payments under this section.

20        (p) FUNDING INCREASE AND OFFSETTING REDUC-  
21       TION.—

22            (1) IN GENERAL.—Notwithstanding the  
23        amounts set forth in the funding tables in division  
24        D, to carry out this section during fiscal year  
25        2013—

1 (A) the amount authorized to be appro-  
2 priated in section 1406 for the Defense Health  
3 Program, as specified in the corresponding  
4 funding table in division D, is hereby increased  
5 by \$10,000,000, with the amount of the in-  
6 crease allocated to the Defense Health Pro-  
7 gram, as set forth in the table under section  
8 4501, to carry out this section; and

9 (B) the amount authorized to be appro-  
10 priated in section 301 for Operation and Main-  
11 tenance, Defense-wide, as specified in the cor-  
12 responding funding table in division D, is here-  
13 by reduced by \$10,000,000, with the amount of  
14 the reduction to be derived from Line 260, Of-  
15 fice of the Secretary of Defense as set forth in  
16 the table under section 4301.

17 (2) MERIT-BASED OR COMPETITIVE DECI-  
18 SIONS.—A decision to commit, obligate, or expend  
19 funds referred to in paragraph (1)(A) with or to a  
20 specific entity shall—

21 (A) be based on merit-based selection pro-  
22 cedures in accordance with the requirements of  
23 sections 2304(k) and 2374 of title 10, United  
24 States Code, or on competitive procedures; and

1 (B) comply with other applicable provisions  
2 of law.

3 **SEC. 729. CONGRESSIONAL SUPPORT FOR GREATER**  
4 **AWARENESS OF POST-TRAUMATIC STRESS**  
5 **DISORDER.**

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

8 (1) The brave men and women of the United  
9 States Armed Forces, who proudly serve the United  
10 States, risk their lives to protect the freedom of the  
11 United States and deserve the investment of every  
12 possible resource to ensure their lasting physical,  
13 mental, and emotional well-being.

14 (2) More than 2,400,000 members of the  
15 Armed Forces have deployed overseas as part of  
16 overseas contingency operations since the events of  
17 September 11, 2001.

18 (3) One in five members who have returned  
19 from deployment reported symptoms of post-trau-  
20 matic stress disorder (PTSD).

21 (4) Just over 1/2 of the members have sought  
22 treatment for PTSD symptoms.

23 (5) More than 90,000 members returning from  
24 deployment to Operation Enduring Freedom or Op-

1       eration Iraqi Freedom are clinically diagnosed with  
2       PTSD.

3           (6) The Armed Forces have sustained an oper-  
4       ational tempo for a period of time unprecedented in  
5       the history of the United States, with many mem-  
6       bers deploying multiple times, placing them at high  
7       risk of PTSD.

8           (7) Up to 10 percent of Operation Desert  
9       Storm veterans, 30 percent of Vietnam veterans, and  
10      8 percent of the general population of the United  
11      States suffer or have suffered from PTSD.

12          (8) Many cases of PTSD remain unreported,  
13      undiagnosed, and untreated due to a lack of aware-  
14      ness about PTSD and the persistent stigma associ-  
15      ated with mental health issues.

16          (9) PTSD significantly increases the risk of de-  
17      pression, suicide, and drug- and alcohol-related dis-  
18      orders and deaths, especially if left untreated.

19          (10) The Departments of Defense and Veterans  
20      Affairs have made significant advances in the pre-  
21      vention, diagnosis, and treatment of PTSD and the  
22      symptoms of PTSD, but many challenges remain.

23          (11) About 1/2 of members and their spouses re-  
24      port they are somewhat or not at all knowledgeable  
25      about the signs and symptoms of PTSD.

1       (b) CONGRESSIONAL EXPRESSION OF SUPPORT.—In  
2 light of the findings made in subsection (a), Congress—

3           (1) supports the efforts of the Secretary of Vet-  
4 erans Affairs and the Secretary of Defense to edu-  
5 cate service members, veterans, the families of serv-  
6 ice members and veterans, and the public about the  
7 causes, symptoms, and treatment of post-traumatic  
8 stress disorder (PTSD); and

9           (2) supports the creation of an advisory com-  
10 mission on PTSD to coordinate the efforts of the  
11 Department of Defense, Department of Veterans Af-  
12 fairs, and other executive departments and agencies  
13 for the prevention, diagnosis, and treatment of  
14 PTSD.

1 **TITLE VIII—ACQUISITION POL-**  
2 **ICY, ACQUISITION MANAGE-**  
3 **MENT, AND RELATED MAT-**  
4 **TERS**

5 **Subtitle A—Acquisition Policy and**  
6 **Management**

7 **SEC. 801. PILOT EXEMPTION REGARDING TREATMENT OF**  
8 **PROCUREMENTS ON BEHALF OF THE DE-**  
9 **PARTMENT OF DEFENSE IN ACCORDANCE**  
10 **WITH THE DEPARTMENT OF ENERGY'S WORK**  
11 **FOR OTHERS PROGRAM.**

12 (a) EXEMPTION FROM INSPECTOR GENERAL RE-  
13 VIEWS AND DETERMINATIONS.—Subsection (a) of section  
14 801 of the National Defense Authorization Act for Fiscal  
15 Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note)  
16 is amended by adding at the end the following new para-  
17 graph:

18 “(7) TREATMENT OF PROCUREMENTS  
19 THROUGH DEPARTMENT OF ENERGY.—For purposes  
20 of this subsection, effective during the 24-month pe-  
21 riod beginning on the date of the enactment of the  
22 National Defense Authorization Act for Fiscal Year  
23 2013, the procurement of property or services on be-  
24 half of the Department of Defense pursuant to an  
25 interagency agreement between the Department of



1 Defense and the Department of Energy in accord-  
2 ance with the Department of Energy's Work For  
3 Others Program, under which the property or serv-  
4 ices are provided by a management and operating  
5 contractor of the Department of Energy and are  
6 procured on behalf of the Department of Defense,  
7 shall not be considered a procurement of property or  
8 services on behalf of the Department of Defense by  
9 a covered non-defense agency.”.

10 (b) EXEMPTION FROM CERTAIN CERTIFICATION RE-  
11 QUIREMENTS.—Subsection (b) of such section is amend-  
12 ed—

13 (1) in paragraph (1), by striking “paragraph  
14 (2)” and inserting “paragraphs (2) and (4)”; and

15 (2) by adding at the end the following new  
16 paragraph:

17 “(4) EXCEPTION FOR PROCUREMENTS IN AC-  
18 CORDANCE WITH THE DEPARTMENT OF ENERGY'S  
19 WORK FOR OTHERS PROGRAM.—Effective during the  
20 24-month period beginning on the date of the enact-  
21 ment of the National Defense Authorization Act for  
22 Fiscal Year 2013, the limitation in paragraph (1)  
23 shall not apply to the procurement of property or  
24 services on behalf of the Department of Defense  
25 pursuant to an interagency agreement between the

1 Department of Defense and the Department of En-  
2 ergy in accordance with the Department of Energy's  
3 Work for Others Program, under which the property  
4 or services are provided by a management and oper-  
5 ating contractor of the Department of Energy and  
6 procured on behalf of the Department of Defense.”.

7 (c) CERTIFICATION.—Not later than 20 months after  
8 the date of the enactment of this Act, the Under Secretary  
9 of Defense for Acquisition, Technology, and Logistics shall  
10 submit to the congressional defense committees the fol-  
11 lowing:

12 (1) A statement certifying whether the procure-  
13 ment policies, procedures, and internal controls of  
14 the Department of Energy provide sufficient protec-  
15 tion and oversight for Department of Defense funds  
16 expended through the Department of Energy Work  
17 for Others Program.

18 (2) A recommendation regarding whether the  
19 pilot exemption granted by the amendments made by  
20 this section should be extended.

21 **SEC. 802. REQUIREMENTS RELATING TO CONTRACTS FOR**  
22 **PURCHASE OF HELICOPTERS FOR AFGHAN**  
23 **SECURITY FORCES.**

24 (a) REQUIREMENT FOR COMPETITIVELY BID CON-  
25 TRACTS.—Subject to subsection (b), the Secretary of De-

1 fense shall award any contract that will use United States  
2 funds for the procurement of helicopters for the Afghan  
3 Security Forces using competitive procedures.

4 (b) PROHIBITION ON CONTRACTING WITH CERTAIN  
5 ENTITIES.—Notwithstanding subsection (a), the Sec-  
6 retary of Defense may not award a contract, directly or  
7 indirectly, to any entity controlled, directed, or influenced  
8 by—

9 (1) a country that has provided weapons to  
10 Syria at any time after the date of the enactment of  
11 the Syria Accountability and Lebanese Sovereignty  
12 Restoration Act of 2003 (Public Law 108–175); or

13 (2) any country that is currently a state spon-  
14 sor of terrorism.

15 (c) STATE SPONSOR OF TERRORISM DEFINED.—In  
16 subsection (b), the term “state sponsor of terrorism”  
17 means any country the government of which the Secretary  
18 of State has determined has repeatedly provided support  
19 for acts of international terrorism pursuant to section 6(j)  
20 of the Export Administration Act of 1979, section 620A  
21 of the Foreign Assistance Act of 1961, or section 40 of  
22 the Arms Export Control Act.

23 (d) EFFECTIVE DATE.—The requirement in sub-  
24 section (a) shall apply to contracts awarded after the date  
25 of the enactment of this Act.

1 (e) NATIONAL SECURITY WAIVER AUTHORITY.—The  
2 Secretary of Defense may waive the applicability of this  
3 section if the Secretary determines such a waiver is nec-  
4 essary in the national security interests of the United  
5 States.

6 **SEC. 803. PROHIBITION ON CONTRACTING WITH PERSONS**  
7 **THAT HAVE BUSINESS OPERATIONS WITH**  
8 **STATE SPONSORS OF TERRORISM.**

9 (a) PROHIBITION.—The Department of Defense may  
10 not enter into a contract for the procurement of goods  
11 or services with any person that has business operations  
12 with a state sponsor of terrorism.

13 (b) DEFINITIONS.—In this section:

14 (1) STATE SPONSOR OF TERRORISM.—The term  
15 “state sponsor of terrorism” means any country the  
16 government of which the Secretary of State has de-  
17 termined has repeatedly provided support for acts of  
18 international terrorism pursuant to—

19 (A) section 6(j) of the Export Administra-  
20 tion Act of 1979 (50 U.S.C. App. 2405(j)) (as  
21 continued in effect pursuant to the Inter-  
22 national Emergency Economic Powers Act);

23 (B) section 620A of the Foreign Assistance  
24 Act of 1961 (22 U.S.C. 2371); or

1 (C) section 40 of the Arms Export Control  
2 Act (22 U.S.C. 2780).

3 (2) BUSINESS OPERATIONS.—The term “busi-  
4 ness operations” means engaging in commerce in  
5 any form, including acquiring, developing, maintain-  
6 ing, owning, selling, possessing, leasing, or operating  
7 equipment, facilities, personnel, products, services,  
8 personal property, real property, or any other appa-  
9 ratus of business or commerce.

10 (3) PERSON.—The term “person” means—

11 (A) a natural person, corporation, com-  
12 pany, business association, partnership, society,  
13 trust, or any other nongovernmental entity, or-  
14 ganization, or group;

15 (B) any governmental entity or instrumen-  
16 tality of a government, including a multilateral  
17 development institution (as defined in section  
18 1701(c)(3) of the International Financial Insti-  
19 tutions Act (22 U.S.C. 262r(c)(3))); and

20 (C) any successor, subunit, parent entity,  
21 or subsidiary of, or any entity under common  
22 ownership or control with, any entity described  
23 in subparagraph (A) or (B).

1 **Subtitle B—Amendments to Gen-**  
2 **eral Contracting Authorities,**  
3 **Procedures, and Limitations**

4 **SEC. 811. MODIFICATION OF TIME PERIOD FOR CONGRES-**  
5 **SIONAL NOTIFICATION OF THE LEASE OF**  
6 **CERTAIN VESSELS BY THE DEPARTMENT OF**  
7 **DEFENSE.**

8 Section 2401(h)(2) of title 10, United States Code,  
9 is amended by striking “30 days of continuous session of  
10 Congress” and inserting “60 days”.

11 **SEC. 812. EXTENSION OF AUTHORITY FOR USE OF SIM-**  
12 **PLIFIED ACQUISITION PROCEDURES FOR**  
13 **CERTAIN COMMERCIAL ITEMS.**

14 (a) EXTENSION.—Effective as of January 1, 2012,  
15 section 4202 of the Clinger–Cohen Act of 1996 (division  
16 D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304  
17 note) is amended in subsection (e) by striking “2012” and  
18 inserting “2015”.

19 (b) TECHNICAL AMENDMENT TO CROSS REF-  
20 ERENCES.—Subsection (e) of such Act is further amended  
21 by striking “section 303(g)(1) of the Federal Property and  
22 Administrative Services Act of 1949, and section 31(a) of  
23 the Office of Federal Procurement Policy Act, as amended  
24 by this section,” and inserting “section 3305(a) of title

1 41, United States Code, and section 1901(a) of title 41,  
2 United States Code,”.

3 **SEC. 813. CODIFICATION AND AMENDMENT RELATING TO**  
4 **LIFE-CYCLE MANAGEMENT AND PRODUCT**  
5 **SUPPORT REQUIREMENTS.**

6 (a) CODIFICATION AND AMENDMENT.—

7 (1) IN GENERAL.—Chapter 137 of title 10,  
8 United States Code, is amended by adding at the  
9 end the following new section:

10 **“§ 2335. Life-cycle management and product support**

11 **“(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—**

12 The Secretary of Defense shall issue and maintain com-  
13 prehensive guidance on life-cycle management and the de-  
14 velopment and implementation of product support strate-  
15 gies for major weapon systems. The guidance issued pur-  
16 suant to this subsection shall—

17 “(1) maximize competition and make the best  
18 possible use of available Department of Defense and  
19 industry resources at the system, subsystem, and  
20 component levels; and

21 “(2) maximize value to the Department of De-  
22 fense by providing the best possible product support  
23 outcomes at the lowest operations and support cost.

24 **“(b) PRODUCT SUPPORT MANAGERS.—**

1           “(1) REQUIREMENT.—The Secretary of De-  
2       fense shall require that each major weapon system  
3       be supported by a product support manager in ac-  
4       cordance with this subsection.

5           “(2) RESPONSIBILITIES.—A product support  
6       manager for a major weapon system shall—

7           “(A) develop and implement a comprehen-  
8       sive product support strategy for the weapon  
9       system;

10          “(B) use advanced predictive analysis to  
11       the extent practicable to improve material avail-  
12       ability and reliability, increase operational avail-  
13       ability rates, and reduce operation and  
14       sustainment costs;

15          “(C) conduct appropriate cost analyses to  
16       validate the product support strategy, including  
17       cost-benefit analyses as outlined in Office of  
18       Management and Budget Circular A–94;

19          “(D) ensure achievement of desired prod-  
20       uct support outcomes through development and  
21       implementation of appropriate product support  
22       arrangements;

23          “(E) adjust performance requirements and  
24       resource allocations across product support in-  
25       tegrators and product support providers as nec-



1           essary to optimize implementation of the prod-  
2           uct support strategy;

3           “(F) periodically review product support  
4           arrangements between the product support inte-  
5           grators and product support providers to ensure  
6           the arrangements are consistent with the overall  
7           product support strategy;

8           “(G) prior to each change in the product  
9           support strategy or every five years, whichever  
10          occurs first, revalidate any business-case anal-  
11          ysis performed in support of the product sup-  
12          port strategy; and

13          “(H) ensure that the product support  
14          strategy maximizes small business participation  
15          at the appropriate tiers and apply the require-  
16          ments of section 15(g) of the Small Business  
17          Act (15 U.S.C. 644(g)) in a manner that en-  
18          sures that small business concerns are not inap-  
19          propriately selected for performance as a prime  
20          contractor.

21          “(c) DEFINITIONS.—In this section:

22               “(1) PRODUCT SUPPORT.—The term ‘product  
23               support’ means the package of support functions re-  
24               quired to field and maintain the readiness and oper-  
25               ational capability of major weapon systems, sub-

1 systems, and components, including all functions re-  
2 lated to weapon system readiness.

3 “(2) PRODUCT SUPPORT ARRANGEMENT.— The  
4 term ‘product support arrangement’ means a con-  
5 tract, task order, or any type of other contractual  
6 arrangement, or any type of agreement or non-con-  
7 tractual arrangement within the Federal Govern-  
8 ment, for the performance of sustainment or logis-  
9 tics support required for major weapon systems,  
10 subsystems, or components. The term includes ar-  
11 rangements for any of the following:

12 “(A) Performance-based logistics.

13 “(B) Sustainment support.

14 “(C) Contractor logistics support.

15 “(D) Life-cycle product support.

16 “(E) Weapon systems product support.

17 “(3) PRODUCT SUPPORT INTEGRATOR.—The  
18 term ‘product support integrator’ means an entity  
19 within the Federal Government or outside the Fed-  
20 eral Government charged with integrating all sources  
21 of product support, both private and public, defined  
22 within the scope of a product support arrangement.

23 “(4) PRODUCT SUPPORT PROVIDER.—The term  
24 ‘product support provider’ means an entity that pro-  
25 vides product support functions. The term includes

1 an entity within the Department of Defense, an enti-  
2 ty within the private sector, or a partnership be-  
3 tween such entities.

4 “(5) MAJOR WEAPON SYSTEM.—The term  
5 ‘major weapon system’ has the meaning given that  
6 term in section 2302d of this title.

7 “(6) ADVANCED PREDICTIVE ANALYSIS.—The  
8 term ‘advanced predictive analysis’ means a type of  
9 analysis that applies advanced predictive modeling  
10 methodology to life-cycle management and product  
11 support by using event simulation to account for  
12 variations in asset demand over time, including  
13 events such as current equipment condition, planned  
14 usage, aging of parts, maintenance capacity and  
15 quality, and logistics response.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-  
17 tions at the beginning of chapter 137 of such title  
18 is amended by adding at the end the following new  
19 item:

“2335. Life-cycle management and product support.”.

20 (b) REPEAL OF SUPERSEDED SECTION.—Section  
21 805 of the National Defense Authorization Act for Fiscal  
22 Year 2010 (Public Law 111–84; 10 U.S.C. 2302) is re-  
23 pealed.

1 **SEC. 814. CODIFICATION OF REQUIREMENT RELATING TO**  
2 **GOVERNMENT PERFORMANCE OF CRITICAL**  
3 **ACQUISITION FUNCTIONS.**

4 (a) CODIFICATION.—

5 (1) IN GENERAL.—Subchapter I of chapter 87  
6 of title 10, United States Code, is amended by add-  
7 ing at the end the following new section:

8 **“§ 1706. Government performance of certain acquisi-**  
9 **tion functions**

10 “(a) GOAL.—It shall be the goal of the Department  
11 of Defense and each of the military departments to ensure  
12 that, for each major defense acquisition program and each  
13 major automated information system program, each of the  
14 following positions is performed by a properly qualified  
15 member of the armed forces or full-time employee of the  
16 Department of Defense:

17 “(1) Program manager.

18 “(2) Deputy program manager.

19 “(3) Product support manager.

20 “(4) Chief engineer.

21 “(5) Systems engineer.

22 “(6) Chief developmental tester.

23 “(7) Cost estimator.

24 “(b) PLAN OF ACTION.—The Secretary of Defense  
25 shall develop and implement a plan of action for recruit-  
26 ing, training, and ensuring appropriate career develop-

1 ment of military and civilian personnel to achieve the ob-  
 2 jective established in subsection (a).

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘major defense acquisition pro-  
 5 gram’ has the meaning given such term in section  
 6 2430(a) of this title.

7 “(2) The term ‘major automated information  
 8 system program’ has the meaning given such term  
 9 in section 2445a(a) of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-  
 11 tions at the beginning of such subchapter is amend-  
 12 ed by adding at the end the following new item:

“1706. Government performance of certain acquisition functions.”.

13 (b) REPEAL OF SUPERSEDED SECTION.—Section  
 14 820 of the John Warner National Defense Authorization  
 15 Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C.  
 16 1701 note) is repealed.

17 **SEC. 815. LIMITATION ON FUNDING PENDING CERTIFI-**  
 18 **CATION OF IMPLEMENTATION OF REQUIRE-**  
 19 **MENTS FOR COMPETITION.**

20 (a) LIMITATION ON FUNDING FOR CERTAIN OF-  
 21 FICES.—Of the funds authorized to be appropriated for  
 22 fiscal year 2013 as specified in the funding table in section  
 23 4301, not more than 80 percent of the funds authorized  
 24 for the Office of the Secretary of Defense may be obligated

1 or expended until the certification described in subsection  
2 (b) is submitted.

3 (b) CERTIFICATION REQUIRED.—The Secretary of  
4 Defense shall certify to the congressional defense commit-  
5 tees that the Department of Defense is implementing the  
6 requirements of section 202(d) of the Weapon Systems  
7 Acquisition Reform Act of 2009 (Public Law 111–23; 10  
8 U.S.C. 2430 note). Such a certification shall be accom-  
9 panied by—

10 (1) a briefing to the congressional defense com-  
11 mittees on processes and procedures that have been  
12 implemented across the military departments and  
13 Defense Agencies to maximize competition through-  
14 out the life-cycle of major defense acquisition pro-  
15 grams, including actions to award contracts for per-  
16 formance of maintenance and sustainment of major  
17 weapon systems or subsystems and components of  
18 such systems; and

19 (2) a representative sample of solicitations  
20 issued since May 22, 2009, intended to fulfill the ob-  
21 jectives of such section 202(d).

1 **SEC. 816. CONTRACTOR RESPONSIBILITIES IN REGULA-**  
2 **TIONS RELATING TO DETECTION AND AVOID-**  
3 **ANCE OF COUNTERFEIT ELECTRONIC PARTS.**

4 Section 818(c)(2)(B) of the National Defense Au-  
5 thorization Act for Fiscal Year 2012 (Public Law 112–  
6 81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to  
7 read as follows:

8 “(B) the cost of counterfeit electronic  
9 parts and suspect counterfeit electronic parts  
10 and the cost of rework or corrective action that  
11 may be required to remedy the use or inclusion  
12 of such parts are not allowable costs under De-  
13 partment contracts, unless—

14 “(i) the covered contractor has an  
15 operational system to detect and avoid  
16 counterfeit parts and suspect counterfeit  
17 electronic parts that has been reviewed and  
18 approved by the Department of Defense  
19 pursuant to subsection (e)(2)(B);

20 “(ii) the counterfeit electronic parts or  
21 suspect counterfeit electronic parts were—

22 “(I) procured from a trusted sup-  
23 plier in accordance with regulations  
24 described in paragraph (3); or

25 “(II) provided to the contractor  
26 as Government property in accordance

1 with part 45 of the Federal Acquisi-  
2 tion Regulation; and

3 “(iii) the covered contractor provides  
4 timely notice to the Government pursuant  
5 to paragraph (4).”.

6 **SEC. 817. ADDITIONAL DEFINITION RELATING TO PRODUC-**  
7 **TION OF SPECIALTY METALS WITHIN THE**  
8 **UNITED STATES.**

9 Section 2533b(m) of title 10, United States Code, is  
10 amended by adding at the end the following new para-  
11 graph:

12 “(11) The term ‘produced’, as used in sub-  
13 sections (a) and (b), means melted, or processed in  
14 a manner that results in physical or chemical prop-  
15 erty changes that are the equivalent of melting. The  
16 term does not include finishing processes such as  
17 rolling, heat treatment, quenching, tempering, grind-  
18 ing, or shaving.”.

19 **SEC. 818. ASSESSMENT AND REPORT RELATING TO INFRA-**  
20 **RED TECHNOLOGY SECTORS.**

21 (a) ASSESSMENT.—The Secretary of Defense, in con-  
22 junction with the sector-by-sector, tier-by-tier review con-  
23 ducted by the Deputy Assistant Secretary of Defense for  
24 Manufacturing and Industrial Base Policy, shall conduct  
25 an assessment of the health and status of various national



1 defense infrared technology sectors, including technology  
2 such as focal plane arrays sensitive to infrared wave-  
3 lengths, read-out integrate circuits, cryogenic coolers,  
4 Dewar technology, infrared sensor engine assemblies, and  
5 infrared imaging systems.

6 (b) REPORT.—The Secretary of Defense shall submit  
7 to the congressional defense committees a report on the  
8 findings of the assessment within 90 days after the date  
9 of the enactment of this Act.

10 **SEC. 819. COMPLIANCE WITH BERRY AMENDMENT RE-**  
11 **QUIRED FOR UNIFORM COMPONENTS SUP-**  
12 **PLIED TO AFGHAN MILITARY OR AFGHAN NA-**  
13 **TIONAL POLICE.**

14 (a) REQUIREMENT.—In the case of any textile com-  
15 ponents supplied by the Department of Defense to the Af-  
16 ghan National Army or the Afghan National Police for  
17 purposes of production of uniforms, section 2533a of title  
18 10, United States Code, shall apply, and no exceptions or  
19 exemptions under that section shall apply.

20 (b) EFFECTIVE DATE.—This section shall apply to  
21 solicitations issued and contracts awarded for the procure-  
22 ment of such components after the date of the enactment  
23 of this Act.

1 **Subtitle C—Provisions Relating to**  
2 **Contracts in Support of Contin-**  
3 **gency Operations in Iraq or Af-**  
4 **ghanistan**

5 **SEC. 821. EXTENSION AND EXPANSION OF AUTHORITY TO**  
6 **ACQUIRE PRODUCTS AND SERVICES PRO-**  
7 **DUCED IN COUNTRIES ALONG A MAJOR**  
8 **ROUTE OF SUPPLY TO AFGHANISTAN.**

9 (a) EXTENSION OF TERMINATION DATE.—Sub-  
10 section (f) of section 801 of the National Defense Author-  
11 ization Act for Fiscal Year 2010 (Public Law 111–84; 123  
12 Stat. 2399) is amended by striking “on or after the date  
13 occurring three years after the date of the enactment of  
14 this Act” and inserting “after December 31, 2014”.

15 (b) EXPANSION OF AUTHORITY TO COVER FORCES  
16 OF THE UNITED STATES AND COALITION FORCES.—Sub-  
17 section (b)(1) of such section is amended—

18 (1) in subparagraph (B), by striking “or” at  
19 the end;

20 (2) in subparagraph (C), by adding “or” at the  
21 end; and

22 (3) by adding at the end the following:

23 “(D) by the United States or coalition  
24 forces in Afghanistan if the product or service  
25 is from a country that has agreed to allow the

1 transport of coalition personnel, equipment, and  
 2 supplies;”.

3 (c) LIMITATION.—Such section is amended—

4 (1) by redesignating subsections (d), (e), (f),  
 5 and (g) as subsections (e), (f), (g), and (h), respec-  
 6 tively; and

7 (2) by inserting after subsection (c) the fol-  
 8 lowing:

9 “(d) LIMITATION.—The Secretary may not use the  
 10 authority provided in subsection (a) to procure goods or  
 11 services from Pakistan until such time as the Government  
 12 of Pakistan agrees to re-open the Ground Lines of Com-  
 13 munication for the movement of United States equipment  
 14 and supplies through Pakistan.”.

15 (d) REPEAL OF EXPIRED REPORT REQUIREMENT.—  
 16 Subsection (h) of such section, as redesignated by sub-  
 17 section (c) of this section, is repealed.

18 (e) CLERICAL AMENDMENT.—The heading of such  
 19 section is amended by striking “; **REPORT**”.

20 **SEC. 822. LIMITATION ON AUTHORITY TO ACQUIRE PROD-**  
 21 **UCTS AND SERVICES PRODUCED IN AFGHANI-**  
 22 **STAN.**

23 Section 886 of the National Defense Authorization  
 24 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
 25 266; 10 U.S.C. 2302 note) is amended—

1           (1) in the section heading, by striking “**IRAQ**  
2     **AND**”;

3           (2) by striking “Iraq or” each place it appears;  
4     and

5           (3) in subsection (b)—

6                 (A) by inserting “(A)” after “(1)”;

7                 (B) in paragraph (2)—

8                     (i) by redesignating clauses (i) and

9                     (ii) of subparagraph (B) as subclauses (I)

10                    and (II), respectively, and in subclause

11                    (II), as so redesignated, by striking the pe-

12                    riod at the end and inserting “; and”;

13                    (ii) by redesignating subparagraphs

14                    (A) and (B) as clauses (i) and (ii), respec-

15                    tively; and

16                    (iii) by striking “(2)” and inserting

17                    “(B)”;

18                    (C) by adding at the end the following new

19     paragraph (2):

20           “(2) the Government of Afghanistan is not tax-

21     ing assistance provided by the United States to Af-

22     ghanistan in violation of any bilateral or other

23     agreement with the United States.”.

1           **Subtitle D—Other Matters**

2   **SEC. 831. ENHANCEMENT OF REVIEW OF ACQUISITION**  
3                   **PROCESS FOR RAPID FIELDING OF CAPABILI-**  
4                   **TIES IN RESPONSE TO URGENT OPER-**  
5                   **ATIONAL NEEDS.**

6           Section 804(b)(3) of the Ike Skelton National De-  
7   fense Authorization Act for Fiscal Year 2011 (Public Law  
8   111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amend-  
9   ed—

10           (1) by inserting “and” at the end of subpara-  
11   graph (B);

12           (2) by striking “; and” at the end of subpara-  
13   graph (C) and inserting a period; and

14           (3) by striking subparagraph (D).

15   **SEC. 832. LOCATION OF CONTRACTOR-OPERATED CALL**  
16                   **CENTERS IN THE UNITED STATES.**

17           The Secretary of Defense shall ensure that any call  
18   center operated pursuant to a contract entered into by the  
19   Secretary or by the head of any of the military depart-  
20   ments is located in the United States.

1 **SEC. 833. CONSIDERATION AND VERIFICATION OF INFOR-**  
2 **MATION RELATING TO EFFECT ON DOMESTIC**  
3 **EMPLOYMENT OF AWARD OF DEFENSE CON-**  
4 **TRACTS.**

5 (a) IN GENERAL.—Section 2305(a) of title 10,  
6 United States Code, is amended by adding at the end the  
7 following new paragraph:

8 “(6)(A) The head of an agency, in issuing a so-  
9 licitation for competitive proposals, shall state in the  
10 solicitation that the agency may consider informa-  
11 tion (in this paragraph referred to as a ‘jobs impact  
12 statement’) that the offeror may include in its offer  
13 related to the effects on employment within the  
14 United States of the contract if it is awarded to the  
15 offeror.

16 “(B) The information that may be included in  
17 a jobs impact statement may include the following:

18 “(i) The number of jobs expected to be  
19 created in the United States, or the number of  
20 jobs retained that otherwise would be lost, if  
21 the contract is awarded to the offeror.

22 “(ii) The number of jobs created or re-  
23 tained in the United States by the subcontract-  
24 tors expected to be used by the offeror in the  
25 performance of the contract.

1           “(iii) A guarantee from the offeror that  
2           jobs created or retained in the United States  
3           will not be moved outside the United States  
4           after award of the contract.

5           “(C) The contracting officer may consider the  
6           information in the jobs impact statement in the eval-  
7           uation of the offer.

8           “(D) The agency may request further informa-  
9           tion from the offeror in order to verify the accuracy  
10          of the information in the jobs impact statement.

11          “(E) In the case of a contract awarded to an  
12          offeror that submitted a jobs impact statement with  
13          the offer for the contract, the agency shall, not later  
14          than six months after the award of the contract and  
15          annually thereafter for the duration of the contract  
16          or contract extension, assess the accuracy of the jobs  
17          impact statement.

18          “(F) The Secretary of Defense shall submit to  
19          Congress an annual report on the frequency of use  
20          within the Department of Defense of jobs impact  
21          statements in the evaluation of competitive pro-  
22          posals.”.

23          (b) REVISION OF FEDERAL ACQUISITION REGULA-  
24          TION.—The Federal Acquisition Regulation shall be re-  
25          vised to implement the amendment made by this section.

1 **SEC. 834. ENERGY SAVINGS PERFORMANCE CONTRACT RE-**  
2 **PORT.**

3 Not later than June 30, 2013, the Secretary of the  
4 Army, the Secretary of the Navy, and the Secretary of  
5 the Air Force shall each submit to the congressional de-  
6 fense committees a report on the use of energy savings  
7 performance contracts by the Department of the Army,  
8 the Department of the Navy, and the Department of the  
9 Air Force, respectively, including each of the following:

10 (1) The amount of appropriated funds that  
11 have been obligated or expended and that are ex-  
12 pected to be obligated or expended for energy sav-  
13 ings performance contracts.

14 (2) The amount of such funds that have been  
15 used for comprehensive retrofits.

16 (3) The amount of such funds that have been  
17 used to leverage private sector capital, including the  
18 amount of such capital.

19 **SEC. 835. REQUIREMENT TO INCLUDE TRAFFICKING IN**  
20 **PERSONS IN PERFORMANCE ASSESSMENTS**  
21 **OF DEFENSE CONTRACTORS.**

22 (a) PERFORMANCE ASSESSMENTS TO INCLUDE  
23 EVALUATION OF TRAFFICKING IN PERSONS.—With re-  
24 spect to any performance assessment of a defense con-  
25 tractor or subcontractor of such a contractor, or any labor  
26 recruiter, broker, or other agent used by the contractor



1 or subcontractor, the Secretary of Defense shall include  
2 an evaluation of trafficking in persons.

3 (b) **TRAFFICKING IN PERSONS DEFINED.**—In this  
4 section, the term “trafficking in persons” has the meaning  
5 provided the term “severe form of trafficking in persons”  
6 in section 103 of the Trafficking Victims Protection Act  
7 of 2000 (22 U.S.C. 7102).

8 **TITLE IX—DEPARTMENT OF DE-**  
9 **FENSE ORGANIZATION AND**  
10 **MANAGEMENT**

11 **Subtitle A—Department of Defense**  
12 **Management**

13 **SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SEC-**  
14 **RETARY OF DEFENSE FOR MANUFACTURING**  
15 **AND INDUSTRIAL BASE POLICY AND AMEND-**  
16 **MENTS TO STRATEGIC MATERIALS PROTEC-**  
17 **TION BOARD.**

18 (a) **FINDINGS.**—Congress finds the following:

19 (1) The Defense Logistics Agency has made lit-  
20 tle progress in addressing the findings and rec-  
21 ommendations from the April 2009 report of the De-  
22 partment of Defense report titled “Reconfiguration  
23 of the National Defense Stockpile Report to Con-  
24 gress”.

1           (2) The office of the Deputy Assistant Sec-  
2       retary of Defense for Manufacturing and Industrial  
3       Base Policy has historically analyzed the United  
4       States defense industrial base from the point of view  
5       of prime contractors and original equipment manu-  
6       facturers and has provided insufficient attention to  
7       producers of materials critical to national security,  
8       including raw materials producers.

9           (3) Responsibility for the secure supply of ma-  
10      terials critical to national security, which supports  
11      the defense industrial base, is decentralized through-  
12      out the Department of Defense.

13          (4) The office of the Deputy Assistant Sec-  
14      retary of Defense for Manufacturing and Industrial  
15      Base Policy should expand its focus to consider both  
16      a top-down view of the supply chain, beginning with  
17      prime contractors, and a bottom-up view that begins  
18      with raw materials suppliers.

19          (5) To enable this focus and support a more co-  
20      herent, comprehensive strategy as it pertains to ma-  
21      terials critical to national security, the office of the  
22      Deputy Assistant Secretary of Defense for Manufac-  
23      turing and Industrial Base Policy should develop  
24      policy, conduct oversight, and monitor resource allo-  
25      cation for agencies of the Department of Defense,

1 including the Defense Logistics Agency, for all ac-  
2 tivities that pertain to ensuring a secure supply of  
3 materials critical to national security.

4 (6) The Strategic Materials Protection Board  
5 should be reconfigured so as to be chaired by the  
6 Deputy Assistant Secretary of Defense for Manufac-  
7 turing and Industrial Base Policy and should fully  
8 execute its duties and responsibilities.

9 (b) APPOINTMENT OF DEPUTY ASSISTANT SEC-  
10 RETARY.—Section 139c(a) of title 10, United States Code,  
11 is amended by striking “appointed by” and all that follows  
12 through the end of the subsection and inserting “ap-  
13 pointed by the Secretary of Defense.”.

14 (c) RESPONSIBILITIES OF DEPUTY ASSISTANT SEC-  
15 RETARY.—Section 139c(b) of such title is amended—

16 (1) by striking paragraphs (1) through (4) and  
17 inserting the following:

18 “(1) Providing input to strategy reviews, in-  
19 cluding quadrennial defense reviews conducted pur-  
20 suant to section 118 of this title, on matters related  
21 to—

22 “(A) the defense industrial base; and

23 “(B) materials critical to national security.

24 “(2) Establishing policies of the Department of  
25 Defense for developing and maintaining the defense

1 industrial base of the United States and ensuring a  
2 secure supply of materials critical to national secu-  
3 rity.

4 “(3) Providing recommendations to the Under  
5 Secretary on budget matters pertaining to the indus-  
6 trial base, the supply chain, and the development  
7 and retention of skills necessary to support the in-  
8 dustrial base.

9 “(4) Providing recommendations and acquisi-  
10 tion policy guidance to the Under Secretary on sup-  
11 ply chain management and supply chain vulner-  
12 ability throughout the entire supply chain, from sup-  
13 pliers of raw materials to producers of major end  
14 items.”.

15 (2) by striking paragraph (5) and redesignating  
16 paragraphs (6), (7), (8), (9), and (10) as para-  
17 graphs (5), (6), (7), (8), and (9), respectively;

18 (3) by inserting after paragraph (9), as so re-  
19 designated, the following new paragraph (10):

20 “(10) Providing policy and oversight of matters  
21 related to materials critical to national security to  
22 ensure a secure supply of such materials to the De-  
23 partment of Defense.”.

24 (4) by redesignating paragraph (15) as para-  
25 graph (18); and

1           (5) by inserting after paragraph (14) the fol-  
2       lowing new paragraphs:

3           “(15) Coordinating with the Director of Small  
4       Business Programs on all matters related to indus-  
5       trial base policy of the Department of Defense.

6           “(16) Ensuring reliable sources of materials  
7       critical to national security, such as specialty metals,  
8       armor plate, and rare earth elements.

9           “(17) Establishing policies of the Department  
10      of Defense for continued reliable resource availability  
11      from domestic sources and allied nations for the in-  
12      dustrial base of the United States.”.

13      (d) MATERIALS CRITICAL TO NATIONAL SECURITY  
14      DEFINED.—Section 139c of such title is further amended  
15      by adding at the end the following new subsection:

16      “(d) MATERIALS CRITICAL TO NATIONAL SECURITY  
17      DEFINED.—In this section, the term ‘materials critical to  
18      national security’ has the meaning given that term in sec-  
19      tion 187(e)(1) of this title.”.

20      (e) AMENDMENTS TO STRATEGIC MATERIALS PRO-  
21      TECTION BOARD.—

22           (1) MEMBERSHIP.—Paragraph (2) of section  
23      187(a) of such title is amended to read as follows:

24      “(2) The Board shall be composed of the following:

1           “(A) The Deputy Assistant Secretary of De-  
2       fense for Manufacturing and Industrial Base Policy,  
3       who shall be the chairman of the Board.

4           “(B) The Administrator of the Defense Logis-  
5       tics Agency Strategic Materials, or any successor or-  
6       ganization, who shall be the vice chairman of the  
7       Board.

8           “(C) A designee of the Assistant Secretary of  
9       the Army for Acquisition, Logistics, and Technology.

10          “(D) A designee of the Assistant Secretary of  
11       the Navy for Research, Development, and Acquisi-  
12       tion.

13          “(E) A designee of the Assistant Secretary of  
14       the Air Force for Acquisition.”.

15          (2) DUTIES.—Paragraphs (3) and (4) of sec-  
16       tion 187(b) of such title are each amended by strik-  
17       ing “President” and inserting “Secretary”.

18          (3) MEETINGS.—Section 187(c) of such title is  
19       amended by striking “Secretary of Defense” and in-  
20       serting “Deputy Assistant Secretary of Defense for  
21       Manufacturing and Industrial Base Policy”.

22          (4) REPORTS.—Section 187(d) of such title is  
23       amended to read as follows:

24       “(d) REPORTS.—(1) After each meeting of the  
25       Board, the Board shall prepare a report containing the

1 results of the meeting and such recommendations as the  
2 Board determines appropriate. The Secretary of each mili-  
3 tary department shall review and comment on the report.

4 “(2) Each such report shall be published in the Fed-  
5 eral Register and subsequently submitted to the congres-  
6 sional defense committees, together with public comments  
7 and comments and recommendations from the Secretary  
8 of Defense, not later than 90 days after the meeting cov-  
9 ered by the report.”.

10 **SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPER-**  
11 **ATIONAL NEEDS AND RAPID ACQUISITION.**

12 (a) DESIGNATION OF SENIOR OFFICIAL RESPON-  
13 SIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS  
14 AND RAPID ACQUISITION.—

15 (1) IN GENERAL.—The Secretary of Defense,  
16 after consultation with the Secretaries of the mili-  
17 tary departments, shall designate a senior official in  
18 the Office of the Secretary of Defense as the prin-  
19 cipal official of the Department of Defense respon-  
20 sible for leading the Department’s actions on urgent  
21 operational needs and rapid acquisition, in accord-  
22 ance with this section.

23 (2) STAFF AND RESOURCES.—The Secretary  
24 shall assign to the senior official designated under  
25 paragraph (1) appropriate staff and resources nec-

1        essary to carry out the official's functions under this  
2        section.

3        (b) RESPONSIBILITIES.—The senior official des-  
4        ignated under subsection (a) shall be responsible for the  
5        following:

6            (1) Acting as an advocate within the Depart-  
7        ment of Defense for issues related to the Depart-  
8        ment's ability to rapidly respond to urgent oper-  
9        ational needs, including programs funded and car-  
10       ried out by the military departments.

11          (2) Improving visibility of urgent operational  
12       needs throughout the Department, including across  
13       the military departments, the Defense Agencies, and  
14       all other entities and processes in the Department  
15       that address urgent operational needs.

16          (3) Ensuring that tools and mechanisms are  
17       used to track, monitor, and manage the status of ur-  
18       gent operational needs within the Department, from  
19       validation through procurement and fielding, includ-  
20       ing a formal feedback mechanism for the armed  
21       forces to provide information on how well fielded so-  
22       lutions are meeting urgent operational needs.

23        (c) URGENT OPERATIONAL NEEDS DEFINED.—In  
24       this section, the term “urgent operational needs” means  
25       capabilities that are determined by the Secretary of De-



1 fense, pursuant to the review process required by section  
2 804(b) of the Ike Skelton National Defense Authorization  
3 Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be  
4 suitable for rapid fielding in response to urgent oper-  
5 ational needs.

6 **SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE**  
7 **SENIOR OFFICIAL FOR ENTERPRISE RE-**  
8 **SOURCE PLANNING SYSTEM DATA CONVER-**  
9 **SION.**

10 Not later than 90 days after the date of the enact-  
11 ment of this Act, the Secretary of Defense shall—

12 (1) designate a senior official of the Depart-  
13 ment of Defense as the official with principal re-  
14 sponsibility for coordination and management over-  
15 sight of data conversion for all enterprise resource  
16 planning systems of the Department; and

17 (2) set forth the responsibilities of that senior  
18 official with respect to such data conversion.

19 **SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES**  
20 **FOR DEPUTY ASSISTANT SECRETARY OF DE-**  
21 **FENSE FOR DEVELOPMENTAL TEST AND**  
22 **EVALUATION.**

23 (a) SUPERVISION.—Section 139b(a)(3) of title 10,  
24 United States Code, is amended by striking “to the Under  
25 Secretary” before the period and inserting “directly to the

1 Under Secretary, without the interposition of any other  
2 supervising official”.

3 (b) CONCURRENT SERVICE.—Section 139b(a)(7) of  
4 such title is amended by striking “may” and inserting  
5 “shall”.

6 (c) RESOURCES.—Section 139b(a) of such title is  
7 amended by adding at the end the following new para-  
8 graph:

9 “(8) RESOURCES.—

10 “(A) The President shall include in the  
11 budget transmitted to Congress, pursuant to  
12 section 1105 of title 31, for each fiscal year, a  
13 separate statement of estimated expenditures  
14 and proposed appropriations for the fiscal year  
15 for the activities of the Deputy Assistant Sec-  
16 retary of Defense for Developmental Test and  
17 Evaluation in carrying out the duties and re-  
18 sponsibilities of the Deputy Assistant Secretary  
19 under this section.

20 “(B) The Deputy Assistant Secretary of  
21 Defense for Developmental Test and Evaluation  
22 shall have sufficient professional staff of mili-  
23 tary and civilian personnel to enable the Deputy  
24 Assistant Secretary to carry out the duties and  
25 responsibilities prescribed by law. The resources

1           for the Deputy Assistant Secretary shall be  
2           comparable to the resources, including Senior  
3           Executive Service positions, other civilian posi-  
4           tions, and military positions, available to the  
5           Director of Operational Test and Evaluation.”.

6           (d) ANNUAL REPORT.—Section 139b(d) of such title  
7 is amended—

8           (1) in the subsection heading, by striking  
9           “JOINT”;

10           (2) by redesignating paragraphs (1), (2), (3),  
11           and (4) as subparagraphs (A), (B), (C), and (D), re-  
12           spectively;

13           (3) by inserting “(1)” before “Not later than  
14           March 31”;

15           (4) in the matter appearing before subpara-  
16           graph (A), as so redesignated, by striking “jointly”  
17           and inserting “each”; and

18           (5) by adding at the end the following new  
19           paragraph:

20           “(2) With respect to the report required under para-  
21 graph (1) by the Deputy Assistant Secretary of Defense  
22 for Developmental Test and Evaluation—

23           “(A) the report shall include a separate section  
24           that covers the activities of the Department of De-  
25           fense Test Resource Management Center (estab-

1 lished under section 196 of this title) during the pre-  
 2 ceding year; and

3 “(B) the report shall be transmitted to the  
 4 Under Secretary of Defense for Acquisition, Tech-  
 5 nology, and Logistics at the same time it is sub-  
 6 mitted to the congressional defense committees.”.

7 **SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE**  
 8 **NAVY AS THE DEPARTMENT OF THE NAVY**  
 9 **AND MARINE CORPS.**

10 (a) REDESIGNATION OF THE DEPARTMENT OF THE  
 11 NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE  
 12 CORPS.—

13 (1) REDESIGNATION OF MILITARY DEPART-  
 14 MENT.—The military department designated as the  
 15 Department of the Navy is redesignated as the De-  
 16 partment of the Navy and Marine Corps.

17 (2) REDESIGNATION OF SECRETARY AND  
 18 OTHER STATUTORY OFFICES.—

19 (A) SECRETARY.—The position of the Sec-  
 20 retary of the Navy is redesignated as the Sec-  
 21 retary of the Navy and Marine Corps.

22 (B) OTHER STATUTORY OFFICES.—The  
 23 positions of the Under Secretary of the Navy,  
 24 the four Assistant Secretaries of the Navy, and  
 25 the General Counsel of the Department of the

1 Navy are redesignated as the Under Secretary  
2 of the Navy and Marine Corps, the Assistant  
3 Secretaries of the Navy and Marine Corps, and  
4 the General Counsel of the Department of the  
5 Navy and Marine Corps, respectively.

6 (b) CONFORMING AMENDMENTS TO TITLE 10,  
7 UNITED STATES CODE.—

8 (1) DEFINITION OF “MILITARY DEPART-  
9 MENT”.—Paragraph (8) of section 101(a) of title  
10 10, United States Code, is amended to read as fol-  
11 lows:

12 “(8) The term ‘military department’ means the  
13 Department of the Army, the Department of the  
14 Navy and Marine Corps, and the Department of the  
15 Air Force.”.

16 (2) ORGANIZATION OF DEPARTMENT.—The text  
17 of section 5011 of such title is amended to read as  
18 follows: “The Department of the Navy and Marine  
19 Corps is separately organized under the Secretary of  
20 the Navy and Marine Corps.”.

21 (3) POSITION OF SECRETARY.—Section  
22 5013(a)(1) of such title is amended by striking  
23 “There is a Secretary of the Navy” and inserting  
24 “There is a Secretary of the Navy and Marine  
25 Corps”.

1 (4) CHAPTER HEADINGS.—

2 (A) The heading of chapter 503 of such  
3 title is amended to read as follows:

4 **“CHAPTER 503—DEPARTMENT OF THE**  
5 **NAVY AND MARINE CORPS”.**

6 (B) The heading of chapter 507 of such  
7 title is amended to read as follows:

8 **“CHAPTER 507—COMPOSITION OF THE DE-**  
9 **PARTMENT OF THE NAVY AND MARINE**  
10 **CORPS”.**

11 (5) OTHER AMENDMENTS.—

12 (A) Title 10, United States Code, is  
13 amended by striking “Department of the Navy”  
14 and “Secretary of the Navy” each place they  
15 appear other than as specified in paragraphs  
16 (1), (2), (3), and (4) (including in section head-  
17 ings, subsection captions, tables of chapters,  
18 and tables of sections) and inserting “Depart-  
19 ment of the Navy and Marine Corps” and “Sec-  
20 retary of the Navy and Marine Corps”, respec-  
21 tively, in each case with the matter inserted to  
22 be in the same typeface and typestyle as the  
23 matter stricken.

24 (B)(i) Sections 5013(f), 5014(b)(2),  
25 5016(a), 5017(2), 5032(a), and 5042(a) of

1 such title are amended by striking “Assistant  
2 Secretaries of the Navy” and inserting “Assist-  
3 ant Secretaries of the Navy and Marine Corps”.

4 (ii) The heading of section 5016 of such  
5 title, and the item relating to such section in  
6 the table of sections at the beginning of chapter  
7 503 of such title, are each amended by insert-  
8 ing “and Marine Corps” after “of the Navy”,  
9 with the matter inserted in each case to be in  
10 the same typeface and typestyle as the matter  
11 amended.

12 (c) OTHER PROVISIONS OF LAW AND OTHER REF-  
13 ERENCES.—

14 (1) TITLE 37, UNITED STATES CODE.—Title 37,  
15 United States Code, is amended by striking “De-  
16 partment of the Navy” and “Secretary of the Navy”  
17 each place they appear and inserting “Department  
18 of the Navy and Marine Corps” and “Secretary of  
19 the Navy and Marine Corps”, respectively.

20 (2) OTHER REFERENCES.—Any reference in  
21 any law other than in title 10 or title 37, United  
22 States Code, or in any regulation, document, record,  
23 or other paper of the United States, to the Depart-  
24 ment of the Navy shall be considered to be a ref-  
25 erence to the Department of the Navy and Marine

1 Corps. Any such reference to an office specified in  
 2 subsection (a)(2) shall be considered to be a ref-  
 3 erence to that office as redesignated by that section.

4 (d) EFFECTIVE DATE.—This section and the amend-  
 5 ments made by this section shall take effect on the first  
 6 day of the first month beginning more than 60 days after  
 7 the date of the enactment of this Act.

## 8 **Subtitle B—Space Activities**

### 9 **SEC. 911. ANNUAL ASSESSMENT OF THE SYNCHRONI-** 10 **ZATION OF SEGMENTS IN SPACE PROGRAMS** 11 **THAT ARE MAJOR DEFENSE ACQUISITION** 12 **PROGRAMS.**

13 (a) ANNUAL ASSESSMENT.—Not later than 180 days  
 14 after the date of the enactment of this Act, and annually  
 15 thereafter for five years, the Under Secretary of Defense  
 16 for Acquisition, Technology, and Logistics shall annually  
 17 submit to the congressional defense committees an assess-  
 18 ment of the synchronization of the operability of the pro-  
 19 gram segments of each space program that is a major de-  
 20 fense acquisition program.

21 (b) CONTENTS.—Each assessment required under  
 22 subsection (a) shall include—

23 (1) a description of the intended primary capa-  
 24 bilities of each space program that is a major de-  
 25 fense acquisition program and the level of operability



1 of each program segment of such space program at  
2 the time of such assessment;

3 (2) a schedule for the deployment of such in-  
4 tended primary capabilities of such space program in  
5 each such program segment and in such space pro-  
6 gram as a whole;

7 (3) for each such space program for which a  
8 primary capability of such program will be operable  
9 by one program segment at least one year after the  
10 date on which such capability is operable by another  
11 program segment—

12 (A) an explanation of the reasons that  
13 such primary capability will be operable by one  
14 program segment at least one year after the  
15 date such capability is operable by another pro-  
16 gram segment; and

17 (B) an identification of the steps the De-  
18 partment is taking to improve the alignment of  
19 when the program segments become operable  
20 and the related challenges, costs, and risks; and

21 (4) a description of the impact on the mission  
22 of such space program caused by such primary capa-  
23 bility being operable by one program segment at  
24 least one year after the date such capability is oper-  
25 able by another program segment.

1 (c) DEFINITIONS.—In this section:

2 (1) MAJOR DEFENSE ACQUISITION PROGRAM  
3 DEFINED.—The term “major defense acquisition  
4 program” has the meaning given the term in section  
5 2430 of title 10, United States Code.

6 (2) PROGRAM SEGMENT.—The term “program  
7 segment” means, with respect to a space program  
8 that is a major defense acquisition program, the fol-  
9 lowing segments:

10 (A) The portion of such program that is  
11 satellite-based.

12 (B) The portion of such program that is  
13 ground-based.

14 (C) The portion of such program that is  
15 operated by the end-user.

16 **SEC. 912. REPORT ON OVERHEAD PERSISTENT INFRARED**  
17 **TECHNOLOGY.**

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

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

1           (2) further efforts should be made to fully ex-  
2        exploit overhead persistent infrared sensor data.

3       (b) REPORT.—Not later than 270 days after the date  
4 of the enactment of this Act, the Secretary of Defense,  
5 in consultation with the Director of National Intelligence,  
6 shall submit to the congressional defense committees, the  
7 Permanent Select Committee on Intelligence of the House  
8 of Representatives, and the Select Committee on Intel-  
9 ligence of the Senate a report on overhead persistent infra-  
10 red technology that includes—

11           (1) an assessment of whether there are further  
12        opportunities for the Department of Defense and the  
13        intelligence community (as defined in section 3(4) of  
14        the National Security Act of 1947 (50 U.S.C.  
15        401a(4))) to capitalize on increased data sharing,  
16        fusion, interoperability, and exploitation; and

17           (2) recommendations on how to better coordi-  
18        nate the efforts by the Department and the intel-  
19        ligence community to exploit overhead persistent in-  
20        frared sensor data.

21       (c) COMPTROLLER GENERAL ASSESSMENT.—Not  
22 later than 90 days after the date on which the Secretary  
23 of Defense submits the report required under subsection  
24 (b), the Comptroller General of the United States shall  
25 submit to the congressional defense committees an assess-

1 ment of the report required under subsection (b), includ-  
2 ing—

3 (1) an assessment of whether such report is  
4 comprehensive, fully supported, and sufficiently de-  
5 tailed; and

6 (2) an identification of any shortcomings, limi-  
7 tations, or other reportable matters that affect the  
8 quality or findings of the report required under sub-  
9 section (b).

10 **SEC. 913. PROHIBITION ON USE OF FUNDS TO IMPLEMENT**  
11 **INTERNATIONAL AGREEMENT ON SPACE AC-**  
12 **TIVITIES THAT HAS NOT BEEN RATIFIED BY**  
13 **THE SENATE OR AUTHORIZED BY STATUTE.**

14 (a) PROHIBITION.—None of the funds authorized to  
15 be appropriated by this Act or any other Act may be used  
16 by the Secretary of Defense or the Director of National  
17 Intelligence to limit the activities of the Department of  
18 Defense or the intelligence community (as defined in sec-  
19 tion 3(4) of the National Security Act of 1947 (50 U.S.C.  
20 401a(4))) in outer space to implement or comply with an  
21 international agreement concerning outer space activities  
22 unless such agreement is ratified by the Senate or author-  
23 ized by statute.

24 (b) REPORT ON INTERNATIONAL AGREEMENT NEGO-  
25 TIATIONS.—

1           (1) REPORT REQUIRED.—Not later than 90  
2       days after the date of the enactment of this Act, and  
3       every 90 days thereafter, the Secretary of State and  
4       the Secretary of Defense shall submit to the appro-  
5       priate congressional committees a report on the  
6       progress of negotiations on an international agree-  
7       ment concerning outer space activities. Such report  
8       shall include a description of which foreign countries  
9       have agreed to sign such an international agreement  
10      and any implications that the draft of the agreement  
11      being negotiated may have on both classified and un-  
12      classified military and intelligence activities of the  
13      United States in outer space.

14           (2) FORM.—

15                (A) UNCLASSIFIED.—Except as provided  
16      in subparagraph (B), each report required  
17      under paragraph (1) shall be submitted in un-  
18      classified form.

19                (B) CLASSIFIED ANNEX.—The Secretary  
20      of Defense may submit to the Committee on  
21      Armed Services and the Permanent Select Com-  
22      mittee on Intelligence of the House of Rep-  
23      resentatives and the Committee on Armed Serv-  
24      ices and the Select Committee on Intelligence of  
25      the Senate a classified annex to a report re-

1           quired under paragraph (1) containing any clas-  
2           sified information required to be submitted for  
3           such report.

4           (3) TERMINATION DATE.—The requirement to  
5           submit a report under paragraph (1) shall cease to  
6           apply on the date on which the President submits to  
7           the appropriate congressional committees a certifi-  
8           cation that the United States is no longer involved  
9           in negotiations on an international agreement con-  
10          cerning outer space activities.

11          (4) APPROPRIATE CONGRESSIONAL COMMIT-  
12          TEES.—In this subsection, the term “appropriate  
13          congressional committees” means—

14                (A) the Committee on Armed Services, the  
15                Permanent Select Committee on Intelligence,  
16                the Committee on Foreign Affairs, and the  
17                Committee on Science, Space, and Technology  
18                of the House of Representatives; and

19                (B) the Committee on Armed Services, the  
20                Select Committee on Intelligence, the Com-  
21                mittee on Foreign Relations, and the Com-  
22                mittee on Commerce, Science, and Transpor-  
23                tation of the Senate.

24          (c) REPORT ON FOREIGN COUNTER-SPACE PRO-  
25          GRAMS.—

1           (1) REPORT REQUIRED.—Chapter 135 of title  
2       10, United States Code, is amended by adding at  
3       the end the following new section:

4   **“§ 2275. Report on foreign counter-space programs**

5       “(a) REPORT REQUIRED.—Not later than January 1  
6       of each year, the Secretary of Defense shall submit to Con-  
7       gress a report on the counter-space programs of foreign  
8       countries.

9       “(b) CONTENTS.—Each report required under sub-  
10      section (a) shall include—

11           “(1) an explanation of whether any foreign  
12          country has a counter-space program that could be  
13          a threat to the national security or commercial space  
14          systems of the United States; and

15           “(2) the name of each country with a counter-  
16          space program described in paragraph (1).

17      “(c) FORM.—

18           “(1) IN GENERAL.—Except as provided in para-  
19          graphs (2) and (3), each report required under sub-  
20          section (a) shall be submitted in unclassified form.

21           “(2) CLASSIFIED ANNEX.—The Secretary of  
22          Defense may submit to the covered congressional  
23          committees a classified annex to a report required  
24          under subsection (a) containing any classified infor-  
25          mation required to be submitted for such report.

1           “(3) FOREIGN COUNTRY NAMES.—

2                   “(A) UNCLASSIFIED FORM.—Subject to  
3           subparagraph (B), each report required under  
4           subsection (a) shall include the information re-  
5           quired under subsection (b)(2) in unclassified  
6           form.

7                   “(B) NATIONAL SECURITY WAIVER.—The  
8           Secretary of Defense may waive the require-  
9           ment under subparagraph (A) if the Secretary  
10          determines it is in the interests of national se-  
11          curity to waive such requirement and submits  
12          to Congress an explanation of why the Sec-  
13          retary waived such requirement.

14          “(d) PROHIBITION ON USE OF FUNDS FOR NON-  
15 COMPLIANCE.—If in any fiscal year the Secretary of De-  
16 fense does not submit a report required under subsection  
17 (a) on or before the date on which such report is required  
18 to be submitted, none of the funds authorized to be appro-  
19 priated by any Act for such fiscal year for activities of  
20 the Department of Defense may be used for travel related  
21 to the negotiation of an international agreement con-  
22 cerning outer space activities until such report is sub-  
23 mitted.

24          “(e) COVERED CONGRESSIONAL COMMITTEES DE-  
25 FINED.—In this section, the term ‘covered congressional



1 committees' means the Committee on Armed Services and  
 2 the Permanent Select Committee on Intelligence of the  
 3 House of Representatives and the Committee on Armed  
 4 Services and the Select Committee on Intelligence of the  
 5 Senate.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
 7 tions at the beginning of chapter 135 of title 10,  
 8 United States Code, is amended by adding at the  
 9 end the following new item:

“2275. Report on foreign counter-space programs.”.

10 **SEC. 914. ASSESSMENT OF FOREIGN COMPONENTS AND**  
 11 **THE SPACE LAUNCH CAPABILITY OF THE**  
 12 **UNITED STATES.**

13 (a) ASSESSMENT.—The Secretary of the Air Force  
 14 shall enter into an agreement with a federally funded re-  
 15 search and development center to conduct an independent  
 16 assessment of the national security implications of con-  
 17 tinuing to use foreign component and propulsion systems  
 18 for the launch vehicles under the evolved expendable  
 19 launch vehicle program.

20 (b) REPORT.—Not later than 180 days after the date  
 21 of the enactment of this Act, the federally funded research  
 22 and development center shall submit to the congressional  
 23 defense committees a report on the assessment conducted  
 24 under subsection (a).

1 **SEC. 915. REPORT ON COUNTER SPACE TECHNOLOGY.**

2 (a) REPORT.—Not later than one year after the date  
3 of the enactment of this Act, and annually thereafter for  
4 two years, the Secretary of Defense shall submit to the  
5 congressional defense committees, the Committee on For-  
6 eign Affairs of the House of Representatives, and the  
7 Committee on Foreign Relations of the Senate a report  
8 based on all available information describing key space  
9 technologies that could be used, or are being sought, by  
10 a foreign country with a counter space or ballistic missile  
11 program, and should be subject to export controls by the  
12 United States or an ally of the United States, as appro-  
13 priate.

14 (b) FORM.—Each report required under subsection  
15 (a) shall be submitted in unclassified form, but may in-  
16 clude a classified annex.

17 **SEC. 916. COMMERCIAL SPACE LAUNCH COOPERATION.**

18 (a) IN GENERAL.—Chapter 135 of title 10, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing new section:

21 **“§ 2276. Commercial space launch cooperation**

22 “(a) AUTHORITY.—The Secretary of Defense may  
23 take such actions as the Secretary considers to be in the  
24 best interest of the Federal Government to—

25 “(1) maximize the use of the capacity of the  
26 space transportation infrastructure of the Depart-

1       ment of Defense by the private sector in the United  
2       States;

3           “(2) maximize the effectiveness and efficiency  
4       of the space transportation infrastructure of the De-  
5       partment of Defense;

6           “(3) reduce the cost of services provided by the  
7       Department of Defense related to space transpor-  
8       tation infrastructure at launch support facilities and  
9       space recovery support facilities;

10          “(4) encourage commercial space activities by  
11       enabling investment by covered entities in the space  
12       transportation infrastructure of the Department of  
13       Defense; and

14          “(5) foster cooperation between the Department  
15       of Defense and covered entities.

16       “(b) AUTHORITY FOR CONTRACTS AND OTHER  
17       AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-  
18       FRASTRUCTURE.—The Secretary of Defense—

19           “(1) may enter into an agreement with a cov-  
20       ered entity to provide the covered entity with sup-  
21       port and services related to the space transportation  
22       infrastructure of the Department of Defense; and

23           “(2) upon the request of such covered entity,  
24       may include such support and services in the space

1 launch and reentry range support requirements of  
2 the Department of Defense if—

3 “(A) the Secretary determines that the in-  
4 clusion of such support and services in such re-  
5 quirements—

6 “(i) is in the best interest of the Fed-  
7 eral Government;

8 “(ii) does not interfere with the re-  
9 quirements of the Department of Defense;  
10 and

11 “(iii) does not compete with the com-  
12 mercial space activities of other covered en-  
13 tities, unless that competition is in the na-  
14 tional security interests of the United  
15 States; and

16 “(B) any commercial requirement included  
17 in the agreement has full non-Federal funding  
18 before the execution of the agreement.

19 “(c) CONTRIBUTIONS.—

20 “(1) IN GENERAL.—The Secretary of Defense  
21 may enter into an agreement with a covered entity  
22 on a cooperative and voluntary basis to accept con-  
23 tributions of funds, services, and equipment to carry  
24 out this section.

1           “(2) USE OF CONTRIBUTIONS.—Any funds,  
2           services, or equipment accepted by the Secretary  
3           under this subsection—

4                   “(A) may be used only for the objectives  
5                   specified in this section in accordance with  
6                   terms of use set forth in the agreement entered  
7                   into under this subsection; and

8                   “(B) shall be managed by the Secretary in  
9                   accordance with regulations of the Department  
10                  of Defense.

11           “(3) REQUIREMENTS WITH RESPECT TO  
12           AGREEMENTS.—An agreement entered into with a  
13           covered entity under this subsection—

14                   “(A) shall address the terms of use, owner-  
15                   ship, and disposition of the funds, services, or  
16                   equipment contributed pursuant to the agree-  
17                   ment; and

18                   “(B) shall include a provision that the cov-  
19                   ered entity will not recover the costs of its con-  
20                   tribution through any other agreement with the  
21                   United States.

22           “(d) DEFENSE COOPERATION SPACE LAUNCH AC-  
23           COUNT.—

24                   “(1) ESTABLISHMENT.—There is established in  
25           the Treasury of the United States a special account

1 to be known as the ‘Defense Cooperation Space  
2 Launch Account’.

3 “(2) CREDITING OF FUNDS.—Funds received  
4 by the Secretary of Defense under subsection (c)  
5 shall be credited to the Defense Cooperation Space  
6 Launch Account.

7 “(3) USE OF FUNDS.—Funds deposited in the  
8 Defense Cooperation Space Launch Account under  
9 paragraph (2) are authorized to be appropriated and  
10 shall be available for obligation only to the extent  
11 provided in advance in an appropriation Act for  
12 costs incurred by the Department of Defense in car-  
13 rying out subsection (b). Funds in the Account shall  
14 remain available until expended.

15 “(e) ANNUAL REPORT.—Not later than January 31  
16 of each year, the Secretary of Defense shall submit to the  
17 congressional defense committees a report on the funds,  
18 services, and equipment accepted and used by the Sec-  
19 retary under this section during the preceding fiscal year.

20 “(f) REGULATIONS.—The Secretary of Defense shall  
21 prescribe regulations to carry out this section.

22 “(g) DEFINITIONS.—In this section:

23 “(1) COVERED ENTITY.—The term ‘covered en-  
24 tity’ means a non-Federal entity that—

1           “(A) is organized under the laws of the  
2           United States or of any jurisdiction within the  
3           United States; and

4           “(B) is engaged in commercial space ac-  
5           tivities.

6           “(2) LAUNCH SUPPORT FACILITIES.—The term  
7           ‘launch support facilities’ has the meaning given the  
8           term in section 50501(7) of title 51.

9           “(3) SPACE RECOVERY SUPPORT FACILITIES.—  
10          The term ‘space recovery support facilities’ has the  
11          meaning given the term in section 50501(11) of title  
12          51.

13          “(4) SPACE TRANSPORTATION INFRASTRUC-  
14          TURE.—The term ‘space transportation infrastruc-  
15          ture’ has the meaning given that term in section  
16          50501(12) of title 51.”.

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

“2276. Commercial space launch cooperation.”.

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

### **SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.**

(a) AUTHORIZATION.—Section 443(a) of title 10, United States Code, is amended—

(1) by striking “The Director” and inserting “(1) Subject to paragraph (2), the Director”;

(2) by striking “foreign countries” and inserting “foreign countries, regional organizations with defense or security components, and security alliances of which the United States is a member”; and

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

“(2) In each case in which the Director of the National Geospatial-Intelligence Agency provides imagery intelligence or geospatial information support to a regional organization or security alliance under paragraph (1), the Director shall—

“(A) ensure that such intelligence and such support are not provided by such regional organization or such security alliance to any other person or entity;



1           “(B) notify the congressional defense commit-  
2       tees, the Permanent Select Committee on Intel-  
3       ligence of the House of Representatives, and the Se-  
4       lect Committee on Intelligence of the Senate, that  
5       the Director has provided such intelligence or such  
6       support; and

7           “(C) coordinate the provision of such intel-  
8       ligence and such support with the commander of the  
9       appropriate combatant command.”.

10       (b) CLERICAL AMENDMENTS.—

11           (1) SECTION HEADING.—The heading of section  
12       443 of title 10, United States Code, is amended by  
13       striking “**foreign countries**” and inserting  
14       “**foreign countries, regional organiza-**  
15       **tions, and security alliances**”.

16           (2) TABLE OF SECTIONS.—The table of sections  
17       at the beginning of chapter 22 of title 10, United  
18       States Code, is amended by striking the item relat-  
19       ing to section 443 and inserting the following new  
20       item:

“443. Imagery intelligence and geospatial information: support for foreign coun-  
tries, regional organizations, and security alliances.”.

1 **SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE**  
 2 **IN NAME OF NATIONAL DEFENSE INTEL-**  
 3 **LIGENCE COLLEGE TO NATIONAL INTEL-**  
 4 **LIGENCE UNIVERSITY.**

5 (a) CONFORMING AMENDMENTS TO REFLECT NAME  
 6 CHANGE.—Section 2161 of title 10, United States Code,  
 7 is amended by striking “National Defense Intelligence  
 8 College” each place it appears and inserting “National In-  
 9 telligence University”.

10 (b) CLERICAL AMENDMENTS.—

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

13 **“§ 2161. Degree granting authority for National Intel-**  
 14 **ligence University”.**

15 (2) TABLE OF SECTIONS.—The item related to  
 16 such section in the table of sections at the beginning  
 17 of chapter 108 of such title is amended to read as  
 18 follows:

“2161. Degree granting authority for National Intelligence University.”.

19 **Subtitle D—Total Force**  
 20 **Management**

21 **SEC. 931. LIMITATION ON CERTAIN FUNDING UNTIL CER-**  
 22 **TIFICATION THAT INVENTORY OF CON-**  
 23 **TRACTS FOR SERVICES HAS BEGUN.**

24 (a) LIMITATION ON FUNDING FOR CERTAIN OF-  
 25 FICES.—Of the funds authorized to be appropriated for

1 fiscal year 2013 as specified in the funding table in section  
2 4301, not more than 80 percent of the funds authorized  
3 for the Office of the Under Secretary of Defense for Ac-  
4 quisition, Technology, and Logistics; the Office of the As-  
5 sistant Secretary of the Navy for Research, Development,  
6 and Acquisition; and the Office of the Assistant Secretary  
7 of the Air Force for Acquisition may be obligated or ex-  
8 pended until the certification described in subsection (c)  
9 is submitted.

10 (b) LIMITATION ON FUNDING FOR OTHER CON-  
11 TRACTS.—Of the funds authorized for other contracts or  
12 other services to be appropriated for fiscal year 2013 as  
13 specified in the funding table in section 4301, not more  
14 than 80 percent of the funds authorized for the Office of  
15 the Secretary of Defense, the Department of the Navy,  
16 and the Department of the Air Force may be obligated  
17 or expended until the certification described in subsection  
18 (c) is submitted.

19 (c) CERTIFICATION.—The certification described in  
20 this subsection is a certification in writing submitted to  
21 the congressional defense committees and made by the  
22 Secretary of Defense that the collection of data for pur-  
23 poses of meeting the requirements of section 2330a of title  
24 10, United States Code, has begun.

1 (d) DEFINITION.—In this section, the term “other  
2 contracts or other services” means funding described in  
3 line 0989 within Exhibit OP–32 of the justification mate-  
4 rials accompanying the President’s budget request for fis-  
5 cal year 2013.

6 **SEC. 932. REQUIREMENT TO ENSURE SUFFICIENT LEVELS**  
7 **OF GOVERNMENT MANAGEMENT, CONTROL,**  
8 **AND OVERSIGHT OF FUNCTIONS CLOSELY AS-**  
9 **SOCIATED WITH INHERENTLY GOVERN-**  
10 **MENTAL FUNCTIONS.**

11 Section 129a of title 10, United States Code, is  
12 amended—

13 (1) in subparagraph (B) of subsection (f)(3), by  
14 inserting after “Government” the following: “man-  
15 agement, control, and”; and

16 (2) by adding at the end the following new sub-  
17 section:

18 “(g) REQUIREMENT FOR MANAGEMENT, CONTROL,  
19 AND OVERSIGHT OR APPROPRIATE CORRECTIVE AC-  
20 TIONS.—For purposes of subsection (f)(3)(B), if insuffi-  
21 cient levels of Government management, control, and over-  
22 sight are found, the Secretary of the military department  
23 or head of the Defense agency responsible shall provide  
24 such management, control, and oversight or take appro-  
25 priate corrective actions, including potential conversion to

1 Government performance, consistent with this section and  
2 sections 129 and 2463 of this title.”.

3 **SEC. 933. SPECIAL MANAGEMENT ATTENTION REQUIRED**  
4 **FOR CERTAIN FUNCTIONS IDENTIFIED IN IN-**  
5 **VENTORY OF CONTRACTS FOR SERVICES.**

6 Subparagraph (C) of section 2330a(e)(2) of title 10,  
7 United States Code, is amended to read as follows:

8 “(C) special management attention is  
9 being given to functions identified in the inven-  
10 tory as being closely associated with inherently  
11 governmental functions; and”.

12 **Subtitle E—Cyberspace-Related**  
13 **Matters**

14 **SEC. 941. MILITARY ACTIVITIES IN CYBERSPACE.**

15 Section 954 of the National Defense Authorization  
16 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
17 1551) is amended to read as follows:

18 **“SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.**

19 “(a) **AFFIRMATION.**—Congress affirms that the Sec-  
20 retary of Defense is authorized to conduct military activi-  
21 ties in cyberspace.

22 “(b) **AUTHORITY DESCRIBED.**—The authority re-  
23 ferred to in subsection (a) includes the authority to carry  
24 out a clandestine operation in cyberspace—

1           “(1) in support of a military operation pursuant  
2           to the Authorization for Use of Military Force (50  
3           U.S.C. 1541 note; Public Law 107–40) against a  
4           target located outside of the United States; or

5           “(2) to defend against a cyber attack against  
6           an asset of the Department of Defense.

7           “(c) RULE OF CONSTRUCTION REGARDING AUTHOR-  
8           ITY IN CYBERSPACE.—Nothing in this section shall be  
9           construed to limit the authority of the Secretary of De-  
10          fense to conduct military activities in cyberspace.

11          “(d) RULE OF CONSTRUCTION REGARDING COVERT  
12          ACTIONS.—Nothing in this section shall be construed to  
13          authorize a covert action (as defined in section 503(e) of  
14          the National Security Act of 1947 (50 U.S.C. 413b(e)))  
15          or modify the requirements of section 503 of such Act (50  
16          U.S.C. 413b).

17          “(e) CONGRESSIONAL NOTIFICATION.—Consistent  
18          with, and in addition to, any other reporting requirements  
19          under law, the Secretary of Defense shall ensure that the  
20          congressional intelligence committees (as defined in sec-  
21          tion 3(7) of the National Security Act of 1947 (50 U.S.C.  
22          401a(7))) are kept fully and currently informed of any in-  
23          telligence or intelligence-related activities undertaken in  
24          support of military activities in cyberspace.”.

1 **SEC. 942. QUARTERLY CYBER OPERATIONS BRIEFINGS.**

2 (a) BRIEFINGS.—Chapter 23 of title 10, United  
3 States Code, is amended by inserting after section 483 the  
4 following new section:

5 **“§ 484. Quarterly cyber operations briefings**

6 “The Secretary of Defense shall provide to the Com-  
7 mittees on Armed Services of the House of Representa-  
8 tives and the Senate quarterly briefings on all offensive  
9 and significant defensive military operations in cyberspace  
10 carried out by the Department of Defense during the im-  
11 mediately preceding quarter.”.

12 (b) INITIAL BRIEFING.—The first briefing required  
13 under section 484 of title 10, United States Code, as  
14 added by subsection (a), shall be provided not later than  
15 March 1, 2013.

16 (c) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of chapter 23 of title 10, United States  
18 Code, is amended by inserting after the item relating to  
19 section 483 the following new item:

“484. Quarterly cyber operations briefings.”.

20 **Subtitle F—Other Matters**

21 **SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIR-**  
22 **MAN OF JOINT CHIEFS OF STAFF AND JOINT**  
23 **REQUIREMENTS OVERSIGHT COUNCIL.**

24 (a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT  
25 CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United

1 States Code, is amended by striking subparagraph (F)  
2 and inserting the following new subparagraphs:

3 “(F) Identifying, assessing, and approving  
4 military requirements (including existing sys-  
5 tems and equipment) to meet the national mili-  
6 tary strategy.

7 “(G) Recommending to the Secretary ap-  
8 propriate trade-offs among life-cycle cost,  
9 schedule, and performance objectives to ensure  
10 that such trade-offs are made in the acquisition  
11 of materiel and equipment to meet military re-  
12 quirements in a manner that best supports the  
13 strategic and contingency plans required by  
14 subsection (a).”.

15 (b) AMENDMENTS RELATED TO JROC.—Section  
16 181(b) of such title is amended—

17 (1) in paragraph (1)(C), by striking “in ensur-  
18 ing” and all that follows through “requirements”  
19 and inserting the following: “in ensuring that appro-  
20 priate trade-offs are made among life-cycle cost,  
21 schedule, and performance objectives in the acquisi-  
22 tion of materiel and equipment to meet military re-  
23 quirements”; and



1           (2) in paragraph (3), by striking “such resource  
2       level” and inserting “the total cost of such re-  
3       sources”.

4       (c) AMENDMENTS RELATED CHIEFS OF ARMED  
5 FORCES.—Section 2547(a) of such title is amended—

6           (1) in paragraph (1), by striking “of require-  
7       ments relating to the defense acquisition system”  
8       and inserting “and certification of requirements for  
9       equipping the armed force concerned”;

10          (2) by redesignating paragraphs (3) and (4) as  
11       paragraphs (5) and (6), respectively; and

12          (3) by inserting after paragraph (2) the fol-  
13       lowing new paragraphs:

14           “(3) The recommendation of trade-offs among  
15       life-cycle cost, schedule, and performance objectives  
16       to ensure acquisition programs to equip the armed  
17       force concerned deliver best value.

18           “(4) Termination of development or procure-  
19       ment programs that fail to meet life-cycle cost,  
20       schedule, and performance objectives.”.

1 **SEC. 952. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**  
 2 **DITED FEDERAL HIRING FOLLOWING COM-**  
 3 **PLETION OF NATIONAL SECURITY EDU-**  
 4 **CATION PROGRAM SCHOLARSHIP.**

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

8 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

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

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

19 “(i) to a position in the excepted serv-  
 20 ice that is certified by the Secretary of De-  
 21 fense under clause (i) of subsection  
 22 (b)(2)(A) as contributing to the national  
 23 security of the United States; or

24 “(ii) subject to clause (ii) of such sub-  
 25 section, to a position in the excepted serv-

1                   ice in such Federal agency or office identi-  
2                   fied by the Secretary; and

3                   “(B) may, upon satisfactory completion of  
4                   two years of substantially continuous service by  
5                   an incumbent who was appointed to an ex-  
6                   cepted service position under the authority of  
7                   subparagraph (A), convert the appointment of  
8                   such individual, without competition, to a career  
9                   or career conditional appointment.

10                  “(2) TREATMENT OF CERTAIN SERVICE.—In  
11                  the case of an eligible program participant described  
12                  in clause (ii) or (iii) of paragraph (3)(B) who re-  
13                  ceives an appointment under paragraph (1)(A), the  
14                  head of a Department or Federal agency or office  
15                  referred to in paragraph (1) may count any period  
16                  that the individual served in a position with the Fed-  
17                  eral Government towards satisfaction of the service  
18                  requirement under paragraph (1)(B) if that serv-  
19                  ice—

20                  “(A) in the case of an appointment under  
21                  clause (i) of paragraph (1)(A), was in a position  
22                  that is identified under clause (i) of subsection  
23                  (b)(2)(A) as contributing to the national secu-  
24                  rity of the United States; or

1           “(B) in the case of an appointment under  
2           clause (ii) of paragraph (1)(A), was in the Fed-  
3           eral agency or office in which the appointment  
4           under that clause is made.

5           “(3) ELIGIBLE PROGRAM PARTICIPANT DE-  
6           FINED.—In this subsection, the term ‘eligible pro-  
7           gram participant’ means an individual who—

8           “(A) has successfully completed an aca-  
9           demic program for which a scholarship or fel-  
10          lowship under this section was awarded; and

11          “(B) at the time of the appointment of the  
12          individual to an excepted service position under  
13          paragraph (1)(A)—

14               “(i) under the terms of the agreement  
15               for such scholarship or fellowship, owes a  
16               service commitment to a Department or  
17               Federal agency or office referred to in  
18               paragraph (1);

19               “(ii) is employed by the Federal Gov-  
20               ernment under a non-permanent appoint-  
21               ment to a position in the excepted service  
22               that has national security responsibilities;  
23               or

24               “(iii) is a former civilian employee of  
25               the Federal Government who has less than

1 a one-year break in service from the last  
2 period of Federal employment of such indi-  
3 vidual in a non-permanent appointment in  
4 the excepted service with national security  
5 responsibilities.”.

6 **SEC. 953. ANNUAL BRIEFING TO CONGRESSIONAL DEFENSE**  
7 **COMMITTEES ON CERTAIN WRITTEN POLICY**  
8 **GUIDANCE.**

9 Section 113(g) of title 10, United States Code, is  
10 amended by adding at the end the following new para-  
11 graph:

12 “(3) The Secretary of Defense shall provide an an-  
13 nual briefing to the congressional defense committees on  
14 the written policy guidance provided under paragraphs (1)  
15 and (2).”.

16 **SEC. 954. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
17 **REIMBURSEMENT OF COSTS OF ACTIVITIES**  
18 **FOR NONGOVERNMENTAL PERSONNEL AT**  
19 **DEPARTMENT OF DEFENSE REGIONAL CEN-**  
20 **TERS FOR SECURITY STUDIES.**

21 (a) EXTENSION.—Paragraph (1) of section 941(b) of  
22 the Duncan Hunter National Defense Authorization Act  
23 for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C.  
24 184 note), is amended by striking “through 2012” and  
25 inserting “through 2013”.

1 (b) ASSESSMENT REQUIRED.—The Comptroller Gen-  
2 eral of the United States shall assess—

3 (1) the effectiveness of the Regional Centers for  
4 Security Studies in meeting the Centers’ objectives  
5 and advancing the priorities of the Department of  
6 Defense;

7 (2) the extent to which the Centers perform a  
8 unique function within the interagency community  
9 or the extent to which there are similar or dupli-  
10 cative efforts within the Department of Defense or the  
11 Department of State;

12 (3) the measures of effectiveness and impact in-  
13 dicators each Regional Center uses to internally  
14 evaluate its programs;

15 (4) the oversight mechanisms within the De-  
16 partment of Defense with respect to the Regional  
17 Centers; and

18 (5) the costs and benefits to the Department of  
19 Defense of waiving reimbursement costs for per-  
20 sonnel of nongovernmental organizations and inter-  
21 national organizations to participate in activities of  
22 the Centers on an ongoing basis.

23 (c) REPORT.—Not later than March 1, 2013, the  
24 Comptroller General shall submit to the Committees on  
25 Armed Services and on Foreign Relations of the Senate

1 and the Committees on Armed Services and on Foreign  
2 Affairs of the House of Representatives a report on the  
3 assessment required by subsection (b).

4 **SEC. 955. NATIONAL LANGUAGE SERVICE CORPS.**

5 (a) CHARTER FOR NATIONAL LANGUAGE SERVICE  
6 CORPS.—The David L. Boren National Security Edu-  
7 cation Act of 1991 (50 U.S.C. 1901 et seq.) is amended  
8 by adding at the end the following new section:

9 **“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

10 **“(a) ESTABLISHMENT.—**

11 **“(1) The Secretary of Defense shall establish**  
12 **and maintain within the Department of Defense a**  
13 **National Language Service Corps (in this section re-**  
14 **ferred to as the ‘Corps’).**

15 **“(2) The purpose of the Corps is to provide a**  
16 **pool of personnel with foreign language skills who,**  
17 **as provided in regulations prescribed under this sec-**  
18 **tion, agree to provide foreign language services to**  
19 **the Department of Defense or another department**  
20 **or agency of the United States.**

21 **“(b) NATIONAL SECURITY EDUCATION BOARD.—The**  
22 **Secretary shall provide for the National Security Edu-**  
23 **cation Board to oversee and coordinate the activities of**  
24 **the Corps to such extent and in such manner as deter-**

1 mined by the Secretary under paragraph (9) of section  
2 803(d).

3 “(c) MEMBERSHIP.—To be eligible for membership  
4 in the Corps, a person must be a citizen of the United  
5 States authorized by law to be employed in the United  
6 States, have attained the age of 18 years, and possess  
7 such foreign language skills as the Secretary considers ap-  
8 propriate for membership in the Corps. Members of the  
9 Corps may include employees of the Federal Government  
10 and of State and local governments.

11 “(d) TRAINING.—The Secretary may provide mem-  
12 bers of the Corps such training as the Secretary prescribes  
13 for purposes of this section.

14 “(e) SERVICE.—Upon a determination that it is in  
15 the national interests of the United States, the Secretary  
16 shall call upon members of the Corps to provide foreign  
17 language services to the Department of Defense or an-  
18 other department or agency of the United States.

19 “(f) FUNDING.—The Secretary may impose fees, in  
20 amounts up to full-cost recovery, for language services and  
21 technical assistance rendered by members of the Corps.  
22 Amounts of fees received under this section shall be cred-  
23 ited to the account of the Department providing funds for  
24 any costs incurred by the Department in connection with  
25 the Corps. Amounts so credited to such account shall be



1 merged with amounts in such account, and shall be avail-  
2 able to the same extent, and subject to the same conditions  
3 and limitations, as amounts in such account. Any amounts  
4 so credited shall remain available until expended.

5 “(g) USERRA APPLICABILITY.—For purposes of the  
6 applicability of chapter 43 of title 38, United States Code,  
7 to a member of the Corps—

8 “(1) a period of active service in the Corps shall  
9 be deemed to be service in the uniformed services;  
10 and

11 “(2) the Corps shall be deemed to be a uni-  
12 formed service.”.

13 (b) NATIONAL SECURITY EDUCATION BOARD MAT-  
14 TERS.—

15 (1) COMPOSITION.—Subsection (b) of section  
16 803 of such Act (50 U.S.C. 1903) is amended—

17 (A) by striking paragraph (5);

18 (B) by redesignating paragraphs (6) and  
19 (7) as paragraphs (8) and (9), respectively; and

20 (C) by inserting after paragraph (4) the  
21 following new paragraphs:

22 “(5) The Secretary of Homeland Security.

23 “(6) The Secretary of Energy.

24 “(7) The Director of National Intelligence.”.

1           (2) FUNCTIONS.—Subsection (d) of such sec-  
2           tion is amended by adding at the end the following  
3           new paragraph:

4           “(9) To the extent provided by the Secretary of  
5           Defense, oversee and coordinate the activities of the  
6           National Language Service Corps under section 813,  
7           including—

8           “(A) identifying and assessing on a peri-  
9           odic basis the needs of the departments and  
10          agencies of the Federal Government for per-  
11          sonnel with skills in various foreign languages;

12          “(B) establishing plans to address foreign  
13          language shortfalls and requirements of the de-  
14          partments and agencies of the Federal Govern-  
15          ment;

16          “(C) recommending effective ways to in-  
17          crease public awareness of the need for foreign  
18          languages skills and career paths in the Federal  
19          Government that use those skills;

20          “(D) coordinating activities with Executive  
21          agencies and State and Local governments to  
22          develop interagency plans and agreements to  
23          address overall foreign language shortfalls and  
24          to utilize personnel to address the various types

1 of crises that warrant foreign language skills;  
2 and

3 “(E) proposing to the Secretary regula-  
4 tions to carry out section 813.”.

## 5 **TITLE X—GENERAL PROVISIONS**

### 6 **Subtitle A—Financial Matters**

#### 7 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

8 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

9 (1) AUTHORITY.—Upon determination by the  
10 Secretary of Defense that such action is necessary in  
11 the national interest, the Secretary may transfer  
12 amounts of authorizations made available to the De-  
13 partment of Defense in this division for fiscal year  
14 2013 between any such authorizations for that fiscal  
15 year (or any subdivisions thereof). Amounts of au-  
16 thorizations so transferred shall be merged with and  
17 be available for the same purposes as the authoriza-  
18 tion to which transferred.

19 (2) LIMITATION.—Except as provided in para-  
20 graph (3), the total amount of authorizations that  
21 the Secretary may transfer under the authority of  
22 this section may not exceed \$3,500,000,000.

23 (3) EXCEPTION FOR TRANSFERS BETWEEN  
24 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-  
25 fer of funds between military personnel authoriza-

1        tions under title IV shall not be counted toward the  
2        dollar limitation in paragraph (2).

3        (b) LIMITATIONS.—The authority provided by sub-  
4        section (a) to transfer authorizations—

5            (1) may only be used to provide authority for  
6        items that have a higher priority than the items  
7        from which authority is transferred; and

8            (2) may not be used to provide authority for an  
9        item that has been denied authorization by Con-  
10       gress.

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

17       (d) NOTICE TO CONGRESS.—The Secretary shall  
18       promptly notify Congress of each transfer made under  
19       subsection (a).

20       **SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

21       The budgetary effects of this Act, for the purpose of  
22       complying with the Statutory Pay-As-You-Go Act of 2010,  
23       shall be determined by reference to the latest statement  
24       titled “Budgetary Effects of PAYGO Legislation” for this  
25       Act, submitted for printing in the Congressional Record

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

4 **SEC. 1003. ANNUAL REPORT ON ARMED FORCES UN-**  
5 **FUNDED PRIORITIES.**

6 (a) REPORT REQUIRED.—Not later than 30 days  
7 after the date on which the budget for a fiscal year is sub-  
8 mitted to Congress pursuant to section 1105 of title 31,  
9 United States Code, each member of the Joint Chiefs of  
10 Staff specified in subsection (b) and the Commander of  
11 the United States Special Operations Command shall sub-  
12 mit to the congressional defense committees a report con-  
13 taining a list of the unfunded priorities for the Armed  
14 Force under the jurisdiction of that member or com-  
15 mander.

16 (b) COVERED MILITARY SERVICE CHIEFS.—The re-  
17 ports required by subsection (a) shall be submitted by the  
18 Chief of Staff of the Army, the Chief of Naval Operations,  
19 the Chief of Staff of the Air Force, the Commandant of  
20 the Marine Corps, and the Chief of the National Guard  
21 Bureau.

22 (c) UNFUNDED PRIORITIES DEFINED.—In this sec-  
23 tion, the term “unfunded priorities”, with respect to a re-  
24 port required by subsection (a) for a fiscal year, means  
25 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 ES- TABLISH AND OPERATE NATIONAL GUARD COUNTERDRUG SCHOOLS.**

Section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3536; 32 U.S.C. 112 note) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

1 (B) by adding at the end the following new  
2 paragraph:

3 “(5) The Western Regional Counterdrug Train-  
4 ing Center, Camp Murray, Washington.”;

5 (2) by striking subsection (f) and redesignating  
6 subsection (g) as subsection (f); and

7 (3) in subsection (f)(1), as so redesignated, by  
8 striking “fiscal years 2006 through 2010” and in-  
9 serting “fiscal years 2013 through 2017”.

10 **SEC. 1012. REPORTING REQUIREMENT ON EXPENDITURES**  
11 **TO SUPPORT FOREIGN COUNTER-DRUG AC-**  
12 **TIVITIES.**

13 Section 1022(a) of the Floyd D. Spence National De-  
14 fense Authorization Act for Fiscal Year 2001 (as enacted  
15 into law by Public Law 106–398; 114 Stat. 1654A–255),  
16 as most recently amended by the section 1008 of the Na-  
17 tional Defense Authorization Act for Fiscal Year 2012  
18 (Public Law 112–81; 125 Stat. 1558), is further amended  
19 by striking “February 15, 2012” and inserting “February  
20 15, 2013”.

21 **SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNI-**  
22 **FIED COUNTER-DRUG AND COUNTERTER-**  
23 **RORISM CAMPAIGN IN COLOMBIA.**

24 Section 1021 of the Ronald W. Reagan National De-  
25 fense Authorization Act for Fiscal Year 2005 (Public Law

1 108–375; 118 Stat. 2042), as most recently amended by  
2 section 1007 of the National Defense Authorization Act  
3 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
4 1558), is amended—

5 (1) in subsection (a), by striking “2012” and  
6 inserting “2013”; and

7 (2) in subsection (c), by striking “2012” and  
8 inserting “2013”.

9 **SEC. 1014. EXTENSION OF AUTHORITY FOR JOINT TASK**  
10 **FORCES TO PROVIDE SUPPORT TO LAW EN-**  
11 **FORCEMENT AGENCIES CONDUCTING**  
12 **COUNTER-TERRORISM ACTIVITIES.**

13 Section 1022(b) of the National Defense Authoriza-  
14 tion Act for Fiscal Year 2004 (Public Law 108–136; 117  
15 Stat. 1594; 10 U.S.C. 371 note) is amended by striking  
16 “2012” and inserting “2013”.

17 **SEC. 1015. SENSE OF CONGRESS REGARDING THE**  
18 **COUNTERDRUG TETHERED AEROSTAT**  
19 **RADAR SYSTEM PROGRAM.**

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

21 (1) Since 1992, the Air Force has administered  
22 the Counterdrug Tethered Aerostat Radar System  
23 (TARS) program, which contributes to deterring and  
24 detecting smugglers moving illicit drugs into the  
25 United States.



1           (2) There are eight current tethered aerostat  
2           systems, located at Yuma, Arizona, Fort Huachuca,  
3           Arizona, Deming, New Mexico, Marfa, Texas, Eagle  
4           Pass, Texas, Rio Grande City, Texas, Cudjoe Key,  
5           Florida, and Lajas, Puerto Rico.

6           (3) Primary customers of the surveillance data  
7           from the TARS program are the Department of  
8           Homeland Security, the United States Northern  
9           Command, the United States Southern Command,  
10          and the North American Aerospace Defense Com-  
11          mand.

12          (4) In the past two years, the radars in two of  
13          the eight tethered aerostat systems have been de-  
14          stroyed in strong weather conditions, namely the  
15          radar at Lajas, Puerto Rico, which was destroyed in  
16          April 2011, and the radar at Marfa, Texas, which  
17          was destroyed in February 2012.

18          (5) The Air Force has indicated that it does not  
19          have sufficient spare parts in its inventory to replace  
20          either of these two radars or the funding necessary  
21          to purchase any new radars. As a result, there are  
22          no current plans to resume operations at Lajas,  
23          Puerto Rico or Marfa, Texas.

24          (6) The loss of these two tethered aerostats sys-  
25          tems substantially degrades counterdrug capabilities

1 in the Caribbean corridor and along the Southwest  
2 border.

3 (7) The loss of the tethered aerostat system in  
4 Lajas, Puerto Rico, is particularly detrimental to the  
5 national counterdrug mission. In Section 1023 of the  
6 National Defense Authorization Act for Fiscal Year  
7 2006 (Public Law 109–163), Congress found that—

8 (A) “Drug traffickers use the Caribbean  
9 corridor to smuggle narcotics to the United  
10 States via Puerto Rico and the Dominican Re-  
11 public. This route is ideal for drug trafficking  
12 because of its geographic expanse, numerous  
13 law enforcement jurisdictions, and fragmented  
14 investigative efforts.”; and

15 (B) “The tethered aerostat system in  
16 Lajas, Puerto Rico, contributes to deterring  
17 and detecting smugglers moving illicit drugs  
18 into Puerto Rico. The aerostat’s range and  
19 operational capabilities allow it to provide sur-  
20 veillance coverage of the eastern Caribbean cor-  
21 ridor and the strategic waterway between Puer-  
22 to Rico and the Dominican Republic, known as  
23 the Mona Passage.”.

24 (8) In such section 1023, Congress expressed  
25 that “Congress and the Department of Defense

1       should fund the Counter-Drug Tethered Aerostat  
2       program.”.

3           (9) In recent years, Puerto Rico and the United  
4       States Virgin Islands have been increasingly im-  
5       pacted by the drug trade and related violence. Both  
6       jurisdictions have homicide rates that are roughly  
7       six times the national average and about three times  
8       higher than any State, and many of these homicides  
9       are linked to the drug trade.

10          (10) The Department of Defense has raised  
11       questions as to whether it should continue to admin-  
12       ister the TARS program or, alternatively, whether  
13       responsibility for this program should be vested in  
14       the Department of Homeland Security.

15       (b) SENSE OF CONGRESS.—In light of the findings  
16       under subsection (a), it is the sense of Congress that—

17           (1) irrespective of whether the Department of  
18       Defense continues to be responsible for the  
19       Counterdrug Tethered Aerostat Radar System  
20       (TARS) program or such responsibility is assigned  
21       to another agency, Congress and the responsible  
22       agency should fund the TARS program; and

23           (2) Congress and the responsible agency should  
24       take all appropriate steps to ensure that the eight  
25       current tethered aerostat systems are fully func-

1 tional and, in particular, to ensure that the TARS  
2 program is providing coverage to protect jurisdic-  
3 tions of the United States in the Caribbean region,  
4 as well as jurisdictions of the United States along  
5 the United States-Mexico border and in the Florida  
6 Straits.

7 **Subtitle C—Naval Vessels and**  
8 **Shipyards**

9 **SEC. 1021. POLICY RELATING TO MAJOR COMBATANT VES-**  
10 **SELS OF THE STRIKE FORCES OF THE**  
11 **UNITED STATES NAVY.**

12 Section 1012 of the National Defense Authorization  
13 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
14 303), as most recently amended by section 1015 of the  
15 Duncan Hunter National Defense Authorization Act for  
16 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586),  
17 is amended by striking “Secretary of Defense” and all  
18 that follows through the period and inserting the fol-  
19 lowing: “Secretary the Navy notifies the congressional de-  
20 fense committees that, as a result of a cost-benefit anal-  
21 ysis, it would not be practical for the Navy to design the  
22 class of ships with an integrated nuclear power system.”.

1 **SEC. 1022. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
2 **DELAYED ANNUAL NAVAL VESSEL CON-**  
3 **STRUCTION PLAN.**

4 (a) IN GENERAL.—Section 231 of title 10, United  
5 States Code, is amended—

6 (1) by redesignating subsection (e) as sub-  
7 section (f); and

8 (2) by inserting after subsection (d) the fol-  
9 lowing new subsection (e):

10 “(e)(1) If the Secretary of Defense does not include  
11 with the defense budget materials for a fiscal year the plan  
12 and certification under subsection (a), the Secretary of the  
13 Navy may not use more than 50 percent of the funds de-  
14 scribed in paragraph (2) during the fiscal year in which  
15 such materials are submitted until the date on which such  
16 plan and certification are submitted to the congressional  
17 defense committees.

18 “(2) The funds described in this paragraph are funds  
19 made available to the Secretary of the Navy for operation  
20 and maintenance, Navy, for emergencies and extraor-  
21 dinary expenses.”.

22 (b) CONFORMING AMENDMENT.—Section 12304b(i)  
23 of title 10, United States Code, is amended by striking  
24 “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 include the authority to detain for the duration of the

1 relevant conflict, and our understanding is based on  
2 longstanding law-of-war principles”.

3 (3) The Court reaffirmed the long-standing  
4 principle of American law that a United States cit-  
5 izen may not be detained in the United States pur-  
6 suant to the AUMF without due process of law,  
7 stating the following:

8 (A) “Striking the proper constitutional bal-  
9 ance here is of great importance to the Nation  
10 during this period of ongoing combat. But it is  
11 equally vital that our calculus not give short  
12 shrift to the values that this country holds dear  
13 or to the privilege that is American citizen-  
14 ship.”.

15 (B) “It is during our most challenging and  
16 uncertain moments that our Nation’s commit-  
17 ment to due process is most severely tested; and  
18 it is in those times that we must preserve our  
19 commitment at home to the principles for which  
20 we fight abroad.”.

21 (C) “[A] state of war is not a blank check  
22 for the President when it comes to the rights of  
23 the Nation’s citizens.”.

1 (D) “[A]bsent suspension, the writ of ha-  
2 beas corpus remains available to every indi-  
3 vidual detained within the United States.”.

4 (E) “All agree suspension of the writ has  
5 not occurred here.”.

6 (F) “[A]n enemy combatant must receive  
7 notice of the factual basis for his classification,  
8 and a fair opportunity to rebut the Govern-  
9 ment’s factual assertions before a neutral deci-  
10 sionmaker.”.

11 (G) “Whatever power the United States  
12 Constitution envisions for the Executive in its  
13 exchanges with other nations or with enemy or-  
14 ganizations in times of conflict, it most as-  
15 suredly envisions a role for all three branches  
16 when individual liberties are at stake.”.

17 (H) “[U]nless Congress acts to suspend it,  
18 the Great Writ of habeas corpus allows the Ju-  
19 dicial Branch to play a necessary role in main-  
20 taining this delicate balance of governance,  
21 serving as an important judicial check on the  
22 Executive’s discretion in the realm of deten-  
23 tions.”.

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



1            untary confinement by his own government  
2            without due process of law, and we weigh the  
3            opposing governmental interests against the  
4            curtailment of liberty that such confinement en-  
5            tails.”.

6            (4) In 2008, in *Boumediene v. Bush*, the Su-  
7            preme Court also extended the constitutional right  
8            to habeas corpus to the foreign detainees held pursu-  
9            ant to the AUMF at the United States Naval Sta-  
10          tion, Guantanamo Bay, Cuba.

11          (5) Chapter 47A of title 10, United States  
12          Code, as originally enacted by the Military Commis-  
13          sions Act of 2006 (Public Law 109–366), only al-  
14          lows for prosecution of foreign terrorists by military  
15          commission.

16          (6) In 2011, with the enactment of the Na-  
17          tional Defense Authorization Act for Fiscal Year  
18          2012 (Public Law 112–81), Congress and the Presi-  
19          dent affirmed the authority of the Armed Forces of  
20          the United States to detain pursuant to the AUMF  
21          a person who planned, authorized, committed, or  
22          aided the terrorist attacks that occurred on Sep-  
23          tember 11, 2001, or harbored those responsible for  
24          those attacks, or a person who was a part of or sub-  
25          stantially supported al-Qaeda, the Taliban, or associ-

1        ated forces that are engaged in hostilities against  
2        the United States or its coalition partners, including  
3        any person who has committed a belligerent act or  
4        has directly supported such hostilities in aid of such  
5        enemy forces.

6            (7) The interpretation of the detention author-  
7        ity provided by the AUMF under the National De-  
8        fense Authorization Act for Fiscal Year 2012 is the  
9        same as the interpretation used by the Obama ad-  
10       ministration in its legal filings in Federal court and  
11       is nearly identical to the interpretation used by the  
12       Bush administration. This interpretation has also  
13       been upheld by the United States Court of Appeals  
14       for the District of Columbia Circuit.

15           (8) Such Act also requires the Secretary of De-  
16       fense to regularly brief Congress regarding the ap-  
17       plication of the detention authority provided by the  
18       AUMF.

19           (9) Section 1021 of such Act states that “Noth-  
20       ing in this section shall be construed to affect exist-  
21       ing law or authorities relating to the detention of  
22       United States citizens, lawful resident aliens of the  
23       United States, or any other persons who are cap-  
24       tured or arrested in the United States.”.

1 **SEC. 1032. FINDINGS REGARDING HABEAS CORPUS RIGHTS.**

2 Congress finds the following:

3 (1) Article 1, section 9 of the Constitution  
4 states “The Privilege of the Writ of Habeas Corpus  
5 shall not be suspended, unless when in Cases of Re-  
6 bellion or Invasion the public Safety may require  
7 it.”.

8 (2) Regarding the Great Writ, the Supreme  
9 Court has noted “The writ of habeas corpus is the  
10 fundamental instrument for safeguarding individual  
11 freedom against arbitrary and lawless state action.”.

12 **SEC. 1033. RIGHTS UNAFFECTED.**

13 (a) RULE OF CONSTRUCTION.—Nothing in the Au-  
14 thorization for Use of Military Force (Public Law 107–  
15 40; 50 U.S.C. 1541 note) or the National Defense Author-  
16 ization Act for Fiscal Year 2012 (Public Law 112–81)  
17 shall be construed to deny the availability of the writ of  
18 habeas corpus or to deny any Constitutional rights in a  
19 court ordained or established by or under Article III of  
20 the Constitution for any person who is lawfully in the  
21 United States when detained pursuant to the Authoriza-  
22 tion for Use of Military Force (Public Law 107–40; 50  
23 U.S.C. 1541 note) and who is otherwise entitled to the  
24 availability of such writ or such rights.

25 (b) NOTIFICATION OF DETENTION OF PERSONS  
26 UNDER AUTHORIZATION FOR USE OF MILITARY

1 FORCE.—Not later than 48 hours after the date on which  
2 a person who is lawfully in the United States is detained  
3 pursuant to the Authorization for Use of Military Force  
4 (Public Law 107–40; 50 U.S.C. 1541 note), the President  
5 shall notify Congress of the detention of such person.

6 (c) HABEAS APPLICATIONS.—A person who is law-  
7 fully in the United States when detained pursuant to the  
8 Authorization for Use of Military Force (Public Law 107–  
9 40; 50 U.S.C. 1541 note) shall be allowed to file an appli-  
10 cation for habeas corpus relief in an appropriate district  
11 court not later than 30 days after the date on which such  
12 person is placed in military custody.

13 **SEC. 1034. EXTENSION OF AUTHORITY TO MAKE REWARDS**  
14 **FOR COMBATING TERRORISM.**

15 (a) EXTENSION.—Section 127b(c)(3)(C) of title 10,  
16 United States Code, is amended by striking “September  
17 30, 2013” and inserting “September 30, 2014”.

18 (b) REPORT TO CONGRESS.—Not later than 180 days  
19 after the date of the enactment of this Act, the Secretary  
20 of Defense shall submit to the congressional defense com-  
21 mittees a report that outlines the future requirements and  
22 authorities to make rewards for combating terrorism. The  
23 report shall include—

24 (1) an analysis of future requirements under  
25 section 127b of title 10, United States Code;

1           (2) a detailed description of requirements for  
2       rewards in support of operations with allied forces;  
3       and

4           (3) an overview of geographic combatant com-  
5       mander requirements through September 30, 2014.

6 **SEC. 1035. PROHIBITION ON TRAVEL TO THE UNITED**  
7 **STATES FOR CERTAIN DETAINEES REPATRI-**  
8 **ATED TO THE FEDERATED STATES OF MICRO-**  
9 **NESIA, THE REPUBLIC OF PALAU, AND THE**  
10 **REPUBLIC OF THE MARSHALL ISLANDS.**

11       (a) PROHIBITION ON TRAVEL TO THE UNITED  
12 STATES.—Notwithstanding any provision of the applicable  
13 Compact of Free Association described in subsection (c),  
14 an individual described in subsection (b) who has been re-  
15 patriated to the Federated States of Micronesia, the Re-  
16 public of the Marshall Islands, or the Republic of Palau  
17 may not be afforded the rights and benefits put forth in  
18 section 141 of such applicable Compact of Free Associa-  
19 tion.

20       (b) INDIVIDUAL DESCRIBED.—An individual de-  
21 scribed in this subsection is an individual who—

22           (1) is not a citizen of the United States or a  
23       member of the Armed Forces of the United States;  
24       and

1           (2) is or was located at United States Naval  
2           Station, Guantanamo Bay, Cuba, on or after Sep-  
3           tember 11, 2001, while—

4                   (A) in the custody or under the effective  
5                   control of the Department of Defense; or

6                   (B) otherwise under detention at United  
7                   States Naval Station, Guantanamo Bay, Cuba.

8           (c) APPLICABLE COMPACT OF FREE ASSOCIATION.—

9           The applicable Compact of Free Association described in  
10          this subsection is—

11                   (1) with respect to an individual repatriated to  
12                   the Federal States of Micronesia, the Compact of  
13                   Free Association, as amended, between the Govern-  
14                   ment of the United States of America and the Gov-  
15                   ernment of the Federated States of Micronesia as  
16                   set forth in section 201(a) of the Compact of Free  
17                   Association Amendments Act of 2003 (Public Law  
18                   108–188; 48 U.S.C. 1921 note);

19                   (2) with respect to an individual repatriated to  
20                   the Republic of the Marshall Islands, the Compact  
21                   of Free Association, as amended, between the Gov-  
22                   ernment of the United States of America and the  
23                   Government of the Republic of the Marshall Islands  
24                   as set forth in section 201(b) of the Compact of

1 Free Association Amendments Act of 2003 (Public  
2 Law 108–188; 48 U.S.C. 1921 note); and

3 (3) with respect to an individual repatriated to  
4 the Republic of Palau, the Compact of Free Associa-  
5 tion between the Government of the United States  
6 of America and the Government of Palau as set  
7 forth in section 201 of the joint resolution entitled  
8 “A Joint Resolution to approve the ‘Compact of  
9 Free Association’ between the United States and the  
10 Government of Palau, and for other purposes”, ap-  
11 proved November 14, 1986 (Public Law 99–658; 48  
12 U.S.C. 1931 note).

13 **SEC. 1036. PROHIBITION ON THE USE OF FUNDS FOR THE**  
14 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**  
15 **TAINED AT UNITED STATES NAVAL STATION,**  
16 **GUANTANAMO BAY, CUBA.**

17 None of the funds authorized to be appropriated by  
18 this Act for fiscal year 2013 may be used to transfer, re-  
19 lease, or assist in the transfer or release to or within the  
20 United States, its territories, or possessions of Khalid  
21 Sheikh Mohammed or any other detainee who—

22 (1) is not a United States citizen or a member  
23 of the Armed Forces of the United States; and

1           (2) is or was held on or after January 20,  
2           2009, at United States Naval Station, Guantanamo  
3           Bay, Cuba, by the Department of Defense.

4 **SEC. 1037. REQUIREMENTS FOR CERTIFICATIONS RELAT-**  
5 **ING TO THE TRANSFER OF DETAINEES AT**  
6 **UNITED STATES NAVAL STATION, GUANTA-**  
7 **NAMO BAY, CUBA, TO FOREIGN COUNTRIES**  
8 **AND OTHER FOREIGN ENTITIES.**

9           (a) CERTIFICATION REQUIRED PRIOR TO TRANS-  
10 FER.—

11           (1) IN GENERAL.—Except as provided in para-  
12 graph (2) and subsection (d), the Secretary of De-  
13 fense may not use any amounts authorized to be ap-  
14 propriated or otherwise available to the Department  
15 of Defense for fiscal year 2013 to transfer any indi-  
16 vidual detained at Guantanamo to the custody or  
17 control of the individual's country of origin, any  
18 other foreign country, or any other foreign entity  
19 unless the Secretary submits to Congress the certifi-  
20 cation described in subsection (b) not later than 30  
21 days before the transfer of the individual.

22           (2) EXCEPTION.—Paragraph (1) shall not  
23 apply to any action taken by the Secretary to trans-  
24 fer any individual detained at Guantanamo to effec-  
25 tuate an order affecting the disposition of the indi-



1       vidual that is issued by a court or competent tri-  
2       bunal of the United States having lawful jurisdiction  
3       (which the Secretary shall notify Congress of  
4       promptly after issuance).

5       (b) CERTIFICATION.—A certification described in this  
6       subsection is a written certification made by the Secretary  
7       of Defense, with the concurrence of the Secretary of State  
8       and in consultation with the Director of National Intel-  
9       ligence, that—

10           (1) the government of the foreign country or  
11       the recognized leadership of the foreign entity to  
12       which the individual detained at Guantanamo is to  
13       be transferred—

14           (A) is not a designated state sponsor of  
15       terrorism or a designated foreign terrorist orga-  
16       nization;

17           (B) maintains control over each detention  
18       facility in which the individual is to be detained  
19       if the individual is to be housed in a detention  
20       facility;

21           (C) is not, as of the date of the certifi-  
22       cation, facing a threat that is likely to substan-  
23       tially affect its ability to exercise control over  
24       the individual;

1 (D) has taken or agreed to take effective  
2 actions to ensure that the individual cannot  
3 take action to threaten the United States, its  
4 citizens, or its allies in the future;

5 (E) has taken or agreed to take such ac-  
6 tions as the Secretary of Defense determines  
7 are necessary to ensure that the individual can-  
8 not engage or reengage in any terrorist activity;  
9 and

10 (F) has agreed to share with the United  
11 States any information that—

12 (i) is related to the individual or any  
13 associates of the individual; and

14 (ii) could affect the security of the  
15 United States, its citizens, or its allies; and

16 (2) includes an assessment, in classified or un-  
17 classified form, of the capacity, willingness, and past  
18 practices (if applicable) of the foreign country or en-  
19 tity in relation to the Secretary's certifications.

20 (c) PROHIBITION IN CASES OF PRIOR CONFIRMED  
21 RECIDIVISM.—

22 (1) PROHIBITION.—Except as provided in para-  
23 graph (2) and subsection (d), the Secretary of De-  
24 fense may not use any amounts authorized to be ap-  
25 propriated or otherwise made available to the De-

1       partment of Defense to transfer any individual de-  
2       tained at Guantanamo to the custody or control of  
3       the individual's country of origin, any other foreign  
4       country, or any other foreign entity if there is a con-  
5       firmed case of any individual who was detained at  
6       United States Naval Station, Guantanamo Bay,  
7       Cuba, at any time after September 11, 2001, who  
8       was transferred to such foreign country or entity  
9       and subsequently engaged in any terrorist activity.

10       (2) EXCEPTION.—Paragraph (1) shall not  
11       apply to any action taken by the Secretary to trans-  
12       fer any individual detained at Guantanamo to effec-  
13       tuate an order affecting the disposition of the indi-  
14       vidual that is issued by a court or competent tri-  
15       bunal of the United States having lawful jurisdiction  
16       (which the Secretary shall notify Congress of  
17       promptly after issuance).

18       (d) NATIONAL SECURITY WAIVER.—

19       (1) IN GENERAL.—The Secretary of Defense  
20       may waive the applicability to a detainee transfer of  
21       a certification requirement specified in subparagraph  
22       (D) or (E) of subsection (b)(1) or the prohibition in  
23       subsection (c), if the Secretary certifies the rest of  
24       the criteria required by subsection (b) for transfers  
25       prohibited by subsection (c) and, with the concur-

1       rence of the Secretary of State and in consultation  
2       with the Director of National Intelligence, deter-  
3       mines that—

4               (A) alternative actions will be taken to ad-  
5       dress the underlying purpose of the requirement  
6       or requirements to be waived;

7               (B) in the case of a waiver of subpara-  
8       graph (D) or (E) of subsection (b)(1), it is not  
9       possible to certify that the risks addressed in  
10      the paragraph to be waived have been com-  
11      pletely eliminated, but the actions to be taken  
12      under subparagraph (A) will substantially miti-  
13      gate such risks with regard to the individual to  
14      be transferred;

15              (C) in the case of a waiver of subsection  
16      (c), the Secretary has considered any confirmed  
17      case in which an individual who was transferred  
18      to the country subsequently engaged in terrorist  
19      activity, and the actions to be taken under sub-  
20      paragraph (A) will substantially mitigate the  
21      risk of recidivism with regard to the individual  
22      to be transferred; and

23              (D) the transfer is in the national security  
24      interests of the United States.

1           (2) REPORTS.—Whenever the Secretary makes  
2           a determination under paragraph (1), the Secretary  
3           shall submit to the appropriate committees of Con-  
4           gress, not later than 30 days before the transfer of  
5           the individual concerned, the following:

6                   (A) A copy of the determination and the  
7                   waiver concerned.

8                   (B) A statement of the basis for the deter-  
9                   mination, including—

10                          (i) an explanation why the transfer is  
11                          in the national security interests of the  
12                          United States; and

13                          (ii) in the case of a waiver of subpara-  
14                          graph (D) or (E) of subsection (b)(1), an  
15                          explanation why it is not possible to certify  
16                          that the risks addressed in the subpara-  
17                          graph to be waived have been completely  
18                          eliminated.

19                   (C) A summary of the alternative actions  
20                   to be taken to address the underlying purpose  
21                   of, and to mitigate the risks addressed in, the  
22                   subparagraph or subsection to be waived.

23                   (D) The assessment required by subsection  
24                   (b)(2).

25           (e) DEFINITIONS.—In this section:

1           (1) The term “appropriate committees of Con-  
2       gress” means—

3                   (A) the Committee on Armed Services, the  
4       Committee on Appropriations, and the Select  
5       Committee on Intelligence of the Senate; and

6                   (B) the Committee on Armed Services, the  
7       Committee on Appropriations, and the Perma-  
8       nent Select Committee on Intelligence of the  
9       House of Representatives.

10          (2) The term “individual detained at Guanta-  
11       namo” means any individual located at United  
12       States Naval Station, Guantanamo Bay, Cuba, as of  
13       October 1, 2009, who—

14                   (A) is not a citizen of the United States or  
15       a member of the Armed Forces of the United  
16       States; and

17                   (B) is—

18                           (i) in the custody or under the control  
19                           of the Department of Defense; or

20                           (ii) otherwise under detention at  
21                           United States Naval Station, Guantanamo  
22                           Bay, Cuba.

23          (3) The term “foreign terrorist organization”  
24       means any organization so designated by the Sec-

1       retary of State under section 219 of the Immigra-  
2       tion and Nationality Act (8 U.S.C. 1189).

3   **SEC. 1038. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**  
4                   **OR MODIFY FACILITIES IN THE UNITED**  
5                   **STATES TO HOUSE DETAINEES TRANS-**  
6                   **FERRED FROM UNITED STATES NAVAL STA-**  
7                   **TION, GUANTANAMO BAY, CUBA.**

8       (a) IN GENERAL.—No amounts authorized to be ap-  
9       propriated or otherwise made available to the Department  
10      of Defense for fiscal year 2013 may be used to construct  
11      or modify any facility in the United States, its territories,  
12      or possessions to house any individual detained at Guanta-  
13      namo for the purposes of detention or imprisonment in  
14      the custody or under the control of the Department of De-  
15      fense unless authorized by Congress.

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

19      (c) INDIVIDUAL DETAINED AT GUANTANAMO DE-  
20      FINED.—In this section, the term “individual detained at  
21      Guantanamo” has the meaning given that term in section  
22      1037(e)(2).

1 **SEC. 1039. REPORTS ON RECIDIVISM OF INDIVIDUALS DE-**  
2 **TAINED AT UNITED STATES NAVAL STATION,**  
3 **GUANTANAMO BAY, CUBA, THAT HAVE BEEN**  
4 **TRANSFERRED TO FOREIGN COUNTRIES.**

5 (a) REPORT ON FACTORS CAUSING OR CONTRIB-  
6 UTING TO RECIDIVISM.—Not later than 60 days after the  
7 date of the enactment of this Act, and annually thereafter  
8 for five years, the Director of the Defense Intelligence  
9 Agency, in consultation with the head of each element of  
10 the intelligence community that the Director considers ap-  
11 propriate, shall submit to the covered congressional com-  
12 mittees a report assessing the factors that cause or con-  
13 tribute to the recidivism of individuals detained at Guan-  
14 tanamo that are transferred or released to a foreign coun-  
15 try, including a discussion of trends, by country and re-  
16 gion, where recidivism has occurred.

17 (b) REPORT ON EFFECTIVENESS OF INTERNATIONAL  
18 AGREEMENTS.—Not later than 60 days after the date of  
19 the enactment of this Act, the Secretary of State, with  
20 the concurrence of the Secretary of Defense, shall submit  
21 to the covered congressional committees, the Committee  
22 on Foreign Affairs of the House of Representatives, and  
23 the Committee on Foreign Relations of the Senate a re-  
24 port assessing the effectiveness of international agree-  
25 ments relating to the transfer or release of individuals de-  
26 tained at Guantanamo between the United States and



1 each foreign country to which an individual detained at  
2 Guantanamo has been transferred or released.

3 (c) FORM.—The reports required under subsections  
4 (a) and (b) shall be submitted in unclassified form, but  
5 may include a classified annex.

6 (d) DEFINITIONS.—In this section:

7 (1) COVERED CONGRESSIONAL COMMITTEES.—

8 The term “covered congressional committees”  
9 means—

10 (A) the Committee on Armed Services and  
11 the Permanent Select Committee on Intelligence  
12 of the House of Representatives; and

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

16 (2) INDIVIDUAL DETAINED AT GUANTANAMO.—

17 The term “individual detained at Guantanamo”  
18 means any individual that is or was located at  
19 United States Naval Station, Guantanamo Bay,  
20 Cuba, who—

21 (A) is not a citizen of the United States or  
22 a member of the Armed Forces of the United  
23 States; and

24 (B) is or was—

1 (i) in the custody or under the control  
2 of the Department of Defense; or

3 (ii) otherwise under detention at  
4 United States Naval Station, Guantanamo  
5 Bay, Cuba.

6 **SEC. 1040. NOTICE AND REPORT ON USE OF NAVAL VES-**  
7 **SELS FOR DETENTION OF INDIVIDUALS CAP-**  
8 **TURED OUTSIDE AFGHANISTAN PURSUANT**  
9 **TO THE AUTHORIZATION FOR USE OF MILI-**  
10 **TARY FORCE.**

11 (a) NOTICE TO CONGRESS.—Not later than 5 days  
12 after first detaining an individual who is captured pursu-  
13 ant to the Authorization for Use of Military Force on a  
14 naval vessel outside the United States, the Secretary of  
15 Defense shall submit to the Committees on Armed Serv-  
16 ices of the Senate and House of Representatives notice  
17 of the detention.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 90 days after  
20 the date of the enactment of this Act, the Secretary  
21 of Defense shall submit to the Committees on Armed  
22 Services of the Senate and House of Representatives  
23 a report on the use of naval vessels for the detention  
24 outside the United States of any individual who is  
25 captured pursuant to the Authorization for Use of

1 Military Force (Public Law 107–40; 50 U.S.C. 1541  
2 note). Such report shall include—

3 (A) procedures and any limitations on de-  
4 taining such individuals at sea on board United  
5 States naval vessels;

6 (B) an assessment of any force protection  
7 issues associated with detaining such individ-  
8 uals on such vessels;

9 (C) an assessment of the likely effect of  
10 such detentions on the original mission of the  
11 naval vessel; and

12 (D) any restrictions on long-term detention  
13 of individuals on United States naval vessels.

14 (2) FORM OF REPORT.—The report required  
15 under paragraph (1) shall be submitted in unclassi-  
16 fied form but may contain a classified annex.

17 **SEC. 1041. NOTICE REQUIRED PRIOR TO TRANSFER OF**  
18 **CERTAIN INDIVIDUALS DETAINED AT THE**  
19 **DETENTION FACILITY AT PARWAN, AFGHANI-**  
20 **STAN.**

21 (a) NOTICE REQUIRED.—The Secretary of Defense  
22 shall submit to the appropriate congressional committees  
23 notice in writing of the proposed transfer of any individual  
24 detained pursuant to the Authorization for Use of Military  
25 Force (Public Law 107–40; 50 U.S.C. 1541 note) who is

1 a national of a country other than the United States or  
2 Afghanistan from detention at the Detention Facility at  
3 Parwan, Afghanistan, to the custody of the Government  
4 of Afghanistan or of any other country. Such notice shall  
5 be provided not later than 10 days before such a transfer  
6 may take place.

7 (b) ADDITIONAL ASSESSMENTS AND CERTIFI-  
8 CATIONS.—As part of the notice required under subsection  
9 (a), the Secretary shall include the following:

10 (1) In the case of the proposed transfer of such  
11 an individual by reason of the individual being re-  
12 leased, an assessment of the threat posed by the in-  
13 dividual and the security environment of the country  
14 to which the individual is to be transferred.

15 (2) In the case of the proposed transfer of such  
16 an individual to a country other than Afghanistan  
17 for the purpose of the prosecution of the individual,  
18 a certification that an assessment has been con-  
19 ducted regarding the capacity, willingness, and his-  
20 torical track record of the country with respect to  
21 prosecuting similar cases, including a description of  
22 the evidence against the individual that is likely to  
23 be admissible as part of the prosecution.

24 (3) In the case of the proposed transfer of such  
25 an individual for reintegration or rehabilitation in a

1 country other than Afghanistan, a certification that  
2 an assessment has been conducted regarding the ca-  
3 pacity, willingness, and historical track records of  
4 the country for reintegrating or rehabilitating simi-  
5 lar individuals.

6 (4) In the case of the proposed transfer of such  
7 an individual to the custody of the government of  
8 Afghanistan for prosecution or detention, a certifi-  
9 cation that an assessment has been conducted re-  
10 garding the capacity, willingness, and historical  
11 track record of Afghanistan to prosecute or detain  
12 long-term such individuals.

13 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
14 FINED.—In this section, the term “appropriate congres-  
15 sional committees” means the Committee on Armed Serv-  
16 ices and the Committee on Foreign Affairs of the House  
17 of Representatives and the Committee on Armed Services  
18 and the Committee on Foreign Relations of the Senate.

19 **SEC. 1042. REPORT ON RECIDIVISM OF INDIVIDUALS FOR-**  
20 **MERLY DETAINED AT THE DETENTION FACIL-**  
21 **ITY AT PARWAN, AFGHANISTAN.**

22 (a) REPORT.—Not later than 90 days after the date  
23 of the enactment of this Act, the Secretary of Defense  
24 shall submit to the relevant congressional committees a  
25 report that—

1           (1) assesses recidivism rates and the factors  
2           that cause or contribute to the recidivism of individ-  
3           uals formerly detained at the Detention Facility at  
4           Parwan, Afghanistan, who are transferred or re-  
5           leased, with particular emphasis on individuals  
6           transferred or released in connection with reconcili-  
7           ation efforts or peace negotiations; and

8           (2) includes a general rationale of the Com-  
9           mander, International Security Assistance Force, as  
10          to why such individuals were released.

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

14          (c) RELEVANT CONGRESSIONAL COMMITTEES DE-  
15          FINED.—In this section, the term “relevant congressional  
16          committees” means—

17               (1) the Committee on Armed Services and the  
18               Committee on Foreign Relations of the Senate; and

19               (2) the Committee on Armed Services and the  
20               Committee on Foreign Affairs of the House of Rep-  
21               resentatives.

1 **SEC. 1043. ADDITIONAL REQUIREMENTS RELATING TO THE**  
2 **TRANSFER OF INDIVIDUALS DETAINED AT**  
3 **GUANTANAMO TO FOREIGN COUNTRIES AND**  
4 **OTHER FOREIGN ENTITIES.**

5 Section 1028 of the National Defense Authorization  
6 Act for Fiscal Year 2012 (Public Law 112–81) is amend-  
7 ed—

8 (1) in subsection (a)(1)—

9 (A) by striking “the certification described  
10 in subsection (b) not later than 30 days before  
11 the transfer of the individual” and inserting  
12 “by not later than 90 days before the transfer  
13 each of the following;”; and

14 (B) by adding at the end the following new  
15 subparagraphs:

16 “(A) The certification described in sub-  
17 section (b).

18 “(B) An assessment of the likelihood that  
19 the individual to be transferred will engage in  
20 terrorist activity after the transfer takes place.

21 “(C) A detailed summary, in classified or  
22 unclassified form, of the individual’s history of  
23 associations with foreign terrorist organizations  
24 and the individual’s record of cooperation while  
25 in the custody of or under the effective control  
26 of the Department of Defense.”; and

1 (2) in subsection (d)(2)—

2 (A) by striking “30 days” and inserting  
3 “90 days”; and

4 (B) by adding at the end the following new  
5 subparagraphs:

6 “(E) An assessment of the likelihood that  
7 the individual to be transferred will engage in  
8 terrorist activity after the transfer takes place.

9 “(F) A detailed summary, in classified or  
10 unclassified form, of the individual’s history of  
11 associations with foreign terrorist organizations  
12 and the individual’s record of cooperation while  
13 in the custody of or under the effective control  
14 of the Department of Defense.”.

15 **Subtitle E—Nuclear Forces**

16 **SEC. 1051. NUCLEAR WEAPONS EMPLOYMENT STRATEGY**  
17 **OF THE UNITED STATES.**

18 (a) SENSE OF CONGRESS.—Subsection (a) of section  
19 1046 of the National Defense Authorization Act for Fiscal  
20 Year 2012 (Public Law 112–81; 125 Stat. 1579) is  
21 amended to read as follows:

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

24 “(1) any future modification to the nuclear  
25 weapons employment strategy, plans, and options of



1 the United States should maintain or enhance the  
2 ability of the nuclear forces of the United States to  
3 support the goals of the United States with respect  
4 to nuclear deterrence, extended deterrence, and as-  
5 surances for allies, and the defense of the United  
6 States; and

7 “(2) the oversight responsibility of Congress in-  
8 cludes oversight of the nuclear weapons employment  
9 strategy, plans, and options of the United States  
10 and that therefore the Chairmen and Ranking Mem-  
11 bers of the Committees on Armed Services of the  
12 Senate and House of Representatives, and such pro-  
13 fessional staff as they designate, should have access  
14 to the nuclear weapons employment strategy, plans,  
15 and options of the United States.”.

16 (b) REPORTS ON STRATEGY.—Section 491 of title  
17 10, United States Code, is—

18 (1) transferred to chapter 24 of such title, as  
19 added by subsection (c)(1); and

20 (2) amended—

21 (A) in the heading, by inserting “**weap-**  
22 **ons**” after “**Nuclear**”;

23 (B) by striking “nuclear employment strat-  
24 egy” each place it appears and inserting “nu-  
25 clear weapons employment strategy”;

1 (C) in paragraph (1)—

2 (i) by inserting “the” after “modifica-  
3 tions to”; and

4 (ii) by inserting “, plans, and options”  
5 after “employment strategy”;

6 (D) by inserting after paragraph (3) the  
7 following new paragraph:

8 “(4) the extent to which such modifications in-  
9 clude an increased reliance on conventional or non-  
10 nuclear global strike capabilities or missile defenses  
11 of the United States.”;

12 (E) by striking “On the date” and insert-  
13 ing “(a) REPORTS.—On the date”; and

14 (F) by adding at the end the following new  
15 subsection:

16 “(b) ANNUAL BRIEFINGS.—Not later than March 15  
17 of each year, the Secretary of Defense shall provide to the  
18 congressional defense committees a briefing regarding the  
19 nuclear weapons employment strategy, plans, and options  
20 of the United States.”.

21 (c) CLERICAL AND CONFORMING AMENDMENTS.—

22 (1) CHAPTER 24.—Part I of subtitle A of title  
23 10, United States Code, is amended by adding at  
24 the end the following new chapter:

1           **“CHAPTER 24—NUCLEAR POSTURE**

“Sec.

“491. Nuclear weapons employment strategy of the United States: modification of strategy.”.

2                   (2) TABLE OF CHAPTERS.—The table of chap-  
3           ters at the beginning of subtitle A of title 10, United  
4           States Code, and at the beginning of part I of such  
5           subtitle, are each amended by inserting after the  
6           item relating to chapter 23 the following new item:

**“24. Nuclear posture ..... 491”.**

7                   (3) TRANSFER OF PROVISIONS.—

8                   (A) CHAPTER 23.—Chapter 23 of title 10,  
9           United States Code, is amended as follows:

10                   (i) Section 490a is—

11                           (I) transferred to chapter 24 of  
12                           such title, as added by paragraph (1);

13                           (II) inserted after section 491 of  
14                           such title, as added to such chapter  
15                           24 by subsection (b)(1); and

16                           (III) redesignated as section 492.

17                   (ii) The table of sections at the begin-  
18                   ning of such chapter 23 is amended by  
19                   striking the items relating to sections 490a  
20                   and 491.

21                   (B) FY12 NDAA.—Section 1077 of the Na-  
22           tional Defense Authorization Act for Fiscal

1           Year 2012 (Public Law 112–81; 50 U.S.C.  
2           2514) is—

3                   (i) transferred to chapter 24 of title  
4                   10, United States Code, as added by para-  
5                   graph (1);

6                   (ii) inserted after section 492 of such  
7                   title, as added by subparagraph (A)(i);

8                   (iii) redesignated as section 493; and

9                   (iv) amended by striking “the date of  
10                  the enactment of this Act” and inserting  
11                  “December 31, 2011,”.

12                  (C) CHAPTER 24.—The table of sections at  
13                  the beginning of chapter 24 of title 10, United  
14                  States Code, as added by paragraph (1), is  
15                  amended by inserting after the item relating to  
16                  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.”.

17                  (4) CONFORMING AMENDMENT.—Section  
18                  1041(b) of the National Defense Authorization Act  
19                  for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
20                  1574) is amended by striking “section 490a of title  
21                  10, United States Code, as added by subsection  
22                  (a),” and inserting “section 492 of title 10, United  
23                  States Code,”.

1 **SEC. 1052. COMMITMENTS FOR NUCLEAR WEAPONS STOCK-**  
2 **PILE MODERNIZATION.**

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

4 (1) In 2008, then Secretary of Defense Robert  
5 Gates warned that “to be blunt, there is absolutely  
6 no way we can maintain a credible deterrent and re-  
7 duce the number of weapons in our stockpile without  
8 either resorting to testing our stockpile or pursuing  
9 a modernization program.”.

10 (2) Secretary Gates also warned in September  
11 2009 that modernization is a prerequisite to nuclear  
12 force reductions, stating that modernizing the nu-  
13 clear capability of the United States is an “enabler  
14 of arms control and our ability to reduce the size of  
15 our nuclear stockpile. When we have more con-  
16 fidence in the long-term viability of our weapons sys-  
17 tems, then our ability to reduce the number of weap-  
18 ons we must keep in the stockpile is enhanced.”.

19 (3) President Obama’s 2010 Nuclear Posture  
20 Review stated that—

21 (A) “In order to sustain a safe, secure,  
22 and effective United States nuclear stockpile as  
23 long as nuclear weapons exist, the United  
24 States must possess a modern physical infra-  
25 structure—comprised of the national security

laboratories and a complex of supporting facilities.”; and

(B) “[I]mplementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.”.

(4) Section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) required the President to submit a report to Congress on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms at the time a follow-on treaty to the Strategic Arms Reduction Treaty was submitted by the President to the Senate. The President submitted such report in May 2010 and submitted updates in November 2010 and February 2011.

1           (5) Such section 1251 also contained a sense of  
2 Congress that “the enhanced safety, security, and  
3 reliability of the nuclear weapons stockpile, mod-  
4 ernization of the nuclear weapons complex, and  
5 maintenance of nuclear delivery systems are key to  
6 enabling further reductions in the nuclear forces of  
7 the United States.”.

8           (6) Forty-one Senators wrote to President  
9 Obama on December 15, 2009, stating, “we don’t  
10 believe further reductions can be in the national se-  
11 curity interest of the United States in the absence  
12 of a significant program to modernize our nuclear  
13 deterrent.”.

14          (7) Former Secretary of Defense and Secretary  
15 of Energy James Schlesinger stated, while testifying  
16 before the Committee on Foreign Relations of the  
17 Senate in April 2010, “I believe that it is immensely  
18 important for the Senate to ensure, what the Admin-  
19 istration has stated as its intent, i.e., that there be  
20 a robust plan with a continuation of its support over  
21 the full 10 years, before it proceeds to ratify this  
22 START follow-on treaty.”.

23          (8) Former Secretary of State James Baker  
24 stated in testimony before the Committee on Foreign  
25 Relations of the Senate in May 2010 that “because

1       our security is based upon the safety and reliability  
2       of our nuclear weapons, it is important that our  
3       Government budget enough money to guarantee that  
4       those weapons can carry out their mission.”.

5               (9) Former Secretary of State Henry Kissinger  
6       also stated in May 2010 while testifying before the  
7       Committee on Foreign Relations of the Senate that  
8       “as part of a number of recommendations, my col-  
9       leagues, Bill Perry, George Shultz, Sam Nunn, and  
10      I have called for significant investments in a re-  
11      paired and modernized nuclear weapons infrastruc-  
12      ture and added resources for the three national lab-  
13      oratories.”.

14             (10) Then Secretary of Defense Robert Gates,  
15      while testifying before the Committee on Armed  
16      Services of the Senate in June 2010, stated, “I see  
17      this treaty as a vehicle to finally be able to get what  
18      we need in the way of modernization that we have  
19      been unable to get otherwise \* \* \*. We are essen-  
20      tially the only nuclear power in the world that is not  
21      carrying out these kinds of modernization pro-  
22      grams.”.

23             (11) Secretary Gates further stated that “I’ve  
24      been up here for the last four springs trying to get  
25      money for this and this is the first time I think I’ve



1 got a fair shot of actually getting money for our nu-  
2 clear arsenal.”.

3 (12) The Directors of the national nuclear  
4 weapons laboratories wrote to the chairman and  
5 ranking member of the Committee on Foreign Rela-  
6 tions of the Senate in December 2010 that “We are  
7 very pleased by the update to the Section 1251 Re-  
8 port, as it would enable the laboratories to execute  
9 our requirements for ensuring a safe, secure, reliable  
10 and effective stockpile under the Stockpile Steward-  
11 ship and Management Plan. In particular, we are  
12 pleased because it clearly responds to many of the  
13 concerns that we and others have voiced in the past  
14 about potential future-year funding shortfalls, and it  
15 substantially reduces risks to the overall program. In  
16 summary, we believe that the proposed budgets pro-  
17 vide adequate support to sustain the safety, security,  
18 reliability and effectiveness of America’s nuclear de-  
19 terrent within the limit of 1,550 deployed strategic  
20 warheads established by the New START Treaty  
21 with adequate confidence and acceptable risk.”.

22 (13) President Obama pledged, in a December  
23 2010 letter to several Senators, “I recognize that  
24 nuclear modernization requires investment for the  
25 long-term \* \* \*. That is my commitment to the Con-

1       gress—that my Administration will pursue these  
2       programs and capabilities for as long as I am Presi-  
3       dent.”.

4           (14) Secretary Gates added in May 2011 that,  
5       “this modernization program was very carefully  
6       worked out between ourselves and the Department  
7       of Energy; and, frankly, where we came out on that  
8       played a fairly significant role in the willingness of  
9       the Senate to ratify the New START agreement.”.

10          (15) The Administrator for Nuclear Security,  
11       Thomas D’Agostino, testified before Congress in No-  
12       vember 2011 that, “it is critical to accept the link-  
13       age between modernizing our current stockpile in  
14       order to achieve the policy objective of decreasing  
15       the number of weapons we have in our stockpile,  
16       while still ensuring that the deterrent is safe, secure,  
17       and effective.”.

18       (b) NEW START TREATY DEFINED.—In this sub-  
19       title, the term “New START Treaty” means the Treaty  
20       between the United States of America and the Russian  
21       Federation on Measures for the Further Reduction and  
22       Limitation of Strategic Offensive Arms, signed on April  
23       8, 2010, and entered into force on February 5, 2011.

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

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

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

12 (2) the United States is committed to—

13 (A) proceeding with a robust stockpile  
14 stewardship program and maintaining and mod-  
15 ernizing nuclear weapons production capabilities  
16 and capacities of the United States to ensure  
17 the safety, security, reliability, and credibility of  
18 the nuclear arsenal of the United States at the  
19 New START Treaty levels and meeting require-  
20 ments for hedging against possible international  
21 developments or technical problems;

22 (B) reinvigorating and sustaining the nu-  
23 clear security laboratories of the United States  
24 and preserving the core nuclear weapons com-  
25 petencies therein; and

1 (C) providing the resources needed to  
2 achieve these objectives, at a minimum at the  
3 levels set forth in the President’s 10-year plan  
4 provided to Congress in November 2010 pursu-  
5 ant to section 1251 of the National Defense  
6 Authorization Act for Fiscal Year 2010 (Public  
7 Law 111–84; 123 Stat. 2549).

8 (b) INSUFFICIENT FUNDING REPORT AND LIMITA-  
9 TION.—

10 (1) IN GENERAL.—Paragraph (2) of section  
11 1045(a) of the National Defense Authorization Act  
12 for Fiscal Year 2012 (50 U.S.C. 2523b) is amended  
13 to read as follows:

14 “(2) INSUFFICIENT FUNDING.—

15 “(A) REPORT.—During each year in which  
16 the New START Treaty is in force, if the  
17 President determines that an appropriations  
18 Act is enacted that fails to meet the resource  
19 levels set forth in the November 2010 update to  
20 the plan referred to in section 1251 of the Na-  
21 tional Defense Authorization Act for Fiscal  
22 Year 2010 (Public Law 111–84; 123 Stat.  
23 2549) or if at any time determines that more  
24 resources are required to carry out such plan  
25 than were estimated, the President shall submit

1 to the appropriate congressional committees,  
2 within 60 days of making such a determination,  
3 a report detailing—

4 “(i) a plan to remedy the resource  
5 shortfall;

6 “(ii) if more resources are required to  
7 carry out the plan than were estimated—

8 “(I) the proposed level of funding  
9 required; and

10 “(II) an identification of the  
11 stockpile work, campaign, facility,  
12 site, asset, program, operation, activ-  
13 ity, construction, or project for which  
14 additional funds are required;

15 “(iii) any effects caused by the short-  
16 fall on the safety, security, reliability, or  
17 credibility of the nuclear forces of the  
18 United States; and

19 “(iv) whether and why, in light of the  
20 shortfall, remaining a party to the New  
21 START Treaty is in the national interest  
22 of the United States.

23 “(B) LIMITATION.—If the President sub-  
24 mits a report under subparagraph (A), none of  
25 the funds made available for fiscal year 2012 or

1 any fiscal year thereafter for the Department of  
2 Defense or the National Nuclear Security Ad-  
3 ministration may be used to reduce the number  
4 of deployed nuclear warheads until—

5 “(i) after the date on which such re-  
6 port is submitted, the President certifies in  
7 writing to the appropriate congressional  
8 committees that the resource shortfall  
9 identified in such report has been ad-  
10 dressed; and

11 “(ii) a period of 120 days has elapsed  
12 following the date on which such certifi-  
13 cation is made.

14 “(C) EXCEPTION.—The limitation in sub-  
15 paragraph (B) shall not apply to—

16 “(i) reductions made to ensure the  
17 safety, security, reliability, and credibility  
18 of the nuclear weapons stockpile and stra-  
19 tegic delivery systems, including activities  
20 related to surveillance, assessment, certifi-  
21 cation, testing, and maintenance of nuclear  
22 warheads and strategic delivery systems; or

23 “(ii) nuclear warheads that are retired  
24 or awaiting dismantlement on the date of  
25 the report under subparagraph (A).

1 “(D) DEFINITIONS.—In this paragraph:

2 “(i) The term ‘appropriate congressional committees’ means—

3  
4 “(I) the congressional defense committees; and

5  
6 “(II) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

7  
8  
9  
10 “(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.”.

11  
12  
13  
14  
15  
16  
17 (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2012.

18  
19  
20 **SEC. 1054. PROGRESS OF MODERNIZATION.**

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

22 (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

1       either resorting to testing our stockpile or pursuing  
2       a modernization program.”.

3           (2) The 2010 Nuclear Posture Review stated  
4       that “the President has directed a review of post-  
5       New START arms control objectives, to consider fu-  
6       ture reductions in nuclear weapons. Several factors  
7       will influence the magnitude and pace of future re-  
8       ductions in United States nuclear forces below New  
9       START levels”, including—

10           (A) “First, any future nuclear reductions  
11       must continue to strengthen deterrence of po-  
12       tential regional adversaries, strategic stability  
13       vis-à-vis Russia and China, and assurance of  
14       our allies and partners. This will require an up-  
15       dated assessment of deterrence requirements;  
16       further improvements in United States, allied,  
17       and partner non-nuclear capabilities; focused  
18       reductions in strategic and non-strategic weap-  
19       ons; and close consultations with allies and  
20       partners. The United States will continue to en-  
21       sure that, in the calculations of any potential  
22       opponent, the perceived gains of attacking the  
23       United States or its allies and partners would  
24       be far outweighed by the unacceptable costs of  
25       the response.”;



1           (B) “Second, implementation of the Stock-  
2           pile Stewardship Program and the nuclear in-  
3           frastructure investments recommended in the  
4           NPR will allow the United States to shift away  
5           from retaining large numbers of non-deployed  
6           warheads as a hedge against technical or geo-  
7           political surprise, allowing major reductions in  
8           the nuclear stockpile. These investments are es-  
9           sential to facilitating reductions while sus-  
10          taining deterrence under New START and be-  
11          yond.”; and

12          (C) “Third, Russia’s nuclear force will re-  
13          main a significant factor in determining how  
14          much and how fast we are prepared to reduce  
15          United States forces. Because of our improved  
16          relations, the need for strict numerical parity  
17          between the two countries is no longer as com-  
18          pelling as it was during the Cold War. But  
19          large disparities in nuclear capabilities could  
20          raise concerns on both sides and among United  
21          States allies and partners, and may not be con-  
22          ducive to maintaining a stable, long-term stra-  
23          tegic relationship, especially as nuclear forces  
24          are significantly reduced. Therefore, we will

1 place importance on Russia joining us as we  
2 move to lower levels.”.

3 (3) The 2010 Nuclear Posture Review also stat-  
4 ed that the Administration would “conduct follow-on  
5 analysis to set goals for future nuclear reductions  
6 below the levels expected in New START, while  
7 strengthening deterrence of potential regional adver-  
8 saries, strategic stability vis-à-vis Russia and China,  
9 and assurance of our allies and partners.”.

10 (4) The Secretary of Defense has warned in  
11 testimony before the Committee on Armed Services  
12 of the House of Representatives regarding the se-  
13 questration mechanism under section 251A of the  
14 Balanced Budget and Emergency Deficit Control  
15 Act of 1985 that “if this sequester goes into effect  
16 and it doubles the number of cuts, then it’ll truly  
17 devastate our national defense, because it will then  
18 require that we have to go at our force structure.  
19 We will have to hollow it out \* \* \* [i]t will badly  
20 damage our capabilities for the future \* \* \*. And if  
21 you have a smaller force, you’re not going to be able  
22 to be out there responding in as many areas as we  
23 do now.”.

24 (5) The 2010 Nuclear Posture Review also stat-  
25 ed that “by modernizing our aging nuclear facilities

1 and investing in human capital, we can substantially  
2 reduce the number of nuclear weapons we retain as  
3 a hedge.”.

4 (6) The President requested the promised  
5 \$7,600,000,000 for weapons activities of the Na-  
6 tional Nuclear Security Administration in fiscal year  
7 2012 but signed an appropriations Act for fiscal  
8 year 2012 that provided only \$7,233,997,000, a sub-  
9 stantial reduction to only the second year of the ten-  
10 year plan under section 1251 of the National De-  
11 fense Authorization Act for Fiscal Year 2010 (Pub-  
12 lic Law 111–84; 123 Stat. 2549).

13 (7) The President requested only  
14 \$7,577,341,000 for weapons activities of the Na-  
15 tional Nuclear Security Administration in fiscal year  
16 2013 while the President’s section 1251 plan prom-  
17 ised \$7,900,000,000.

18 (8) The President’s section 1251 plan further  
19 promised to request \$8,400,000,000 in fiscal year  
20 2014, \$8,700,000,000 in fiscal year 2015,  
21 \$8,900,000,000 in fiscal year 2016, at least  
22 \$8,900,000,000 in fiscal year 2017, at least  
23 \$9,200,000,000 in fiscal year 2018, at least  
24 \$9,400,000,000 in fiscal year 2019, at least

1       \$9,400,000,000 in fiscal year 2020, and at least  
2       \$9,500,000,000 in fiscal year 2021.

3           (9) While the administration has not yet shared  
4       with Congress the terms of reference of the so-called  
5       Nuclear Posture Review Implementation Study, or  
6       the Department of Defense’s instructions for that  
7       review, the only publicly available statements by the  
8       administration, including language from the Nuclear  
9       Posture Review, suggest the review was specifically  
10      instructed by the President and his senior political  
11      appointees to only consider reductions to the nuclear  
12      forces of the United States.

13          (10) When asked at a hearing if the New  
14      START Treaty allowed the United States “to main-  
15      tain a nuclear arsenal that is more than is needed  
16      to guarantee an adequate deterrent,” then Com-  
17      mander of the United States Strategic Command,  
18      General Kevin P. Chilton said, “I do not agree that  
19      it is more than is needed. I think the arsenal that  
20      we have is exactly what is needed today to provide  
21      the deterrent.”.

22      (b) NUCLEAR EMPLOYMENT STRATEGY.—Section  
23   491 of title 10, United States Code, as amended by section  
24   1051, is amended by adding after subsection (b) the fol-  
25   lowing:

1       “(c) LIMITATION.—With respect to a new nuclear  
2 weapons employment strategy described in a report sub-  
3 mitted to Congress under subsection (a), none of the funds  
4 made available for fiscal year 2012 or any fiscal year  
5 thereafter for the Department of Defense may be used to  
6 implement such strategy until a period of one year has  
7 elapsed following the date on which such report is sub-  
8 mitted to Congress.”.

9       (c) LIMITATION.—During each of fiscal years 2012  
10 through 2021, none of the funds made available for each  
11 such fiscal year for the Department of Defense may be  
12 used to carry out the results of the decisions made pursu-  
13 ant to the 2010 Nuclear Posture Review Implementation  
14 Study that would alter the nuclear weapons employment  
15 strategy, guidance, plans, or options of the United States  
16 until the date on which the President certifies to the con-  
17 gressional defense committees that—

18           (1) the President has included the resources  
19 necessary to carry out the February 2011 update to  
20 the report required under section 1251 of the Na-  
21 tional Defense Authorization Act for Fiscal Year  
22 2010 (Public Law 111–84; 123 Stat. 2549) in the  
23 budget of the President submitted to Congress  
24 under section 1105(a) of title 31, United States  
25 Code, for such fiscal year;

1           (2) the resources described in paragraph (1)  
2       have been provided to the President in an appropria-  
3       tions Act; and

4           (3) the sequestration mechanism under section  
5       251A of the Balanced Budget and Emergency Def-  
6       icit Control Act of 1985 has been repealed or the se-  
7       questration mechanism under such section for the  
8       security category has otherwise been terminated.

9   **SEC. 1055. LIMITATION ON STRATEGIC DELIVERY SYSTEM**  
10           **REDUCTIONS.**

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

12           (1) The Nuclear Posture Review of 2010 said,  
13       with respect to modernizing the triad, “for planned  
14       reductions under New START, the United States  
15       should retain a smaller Triad of SLBMs, ICBMs,  
16       and heavy bombers. Retaining all three Triad legs  
17       will best maintain strategic stability at reasonable  
18       cost, while hedging against potential technical prob-  
19       lems or vulnerabilities.”.

20           (2) The Senate stated in Declaration 13 of the  
21       Resolution of Advice and Consent to Ratification of  
22       the New START Treaty that “In accordance with  
23       paragraph 1 of Article V of the New START Trea-  
24       ty, which states that, ‘Subject to the provisions of  
25       this Treaty, modernization and replacement of stra-

1        tegic offensive arms may be carried out,' it is the  
2        sense of the Senate that United States deterrence  
3        and flexibility is assured by a robust triad of stra-  
4        tegic delivery vehicles. To this end, the United  
5        States is committed to accomplishing the moderniza-  
6        tion and replacement of its strategic nuclear delivery  
7        vehicles, and to ensuring the continued flexibility of  
8        United States conventional and nuclear delivery sys-  
9        tems.'".

10        (3) The Senate required the President, prior to  
11        the entry into force of the New START Treaty, to  
12        certify to the Senate that the President intended to  
13        modernize or replace the triad of strategic nuclear  
14        delivery systems.

15        (4) The President made this certification in a  
16        message to the Senate on February 2, 2011, in  
17        which the President stated, "I intend to (a) mod-  
18        ernize or replace the triad of strategic nuclear deliv-  
19        ery systems: a heavy bomber and air-launched cruise  
20        missile, an ICBM, and a nuclear-powered ballistic  
21        missile submarine (SSBN) and SLBM; and (b)  
22        maintain the United States rocket motor industrial  
23        base.'".

24        (b) LIMITATION.—

1           (1) IN GENERAL.—Chapter 24 of title 10,  
2       United States Code, as added by section 1051, is  
3       amended by adding at the end the following new sec-  
4       tion:

5   **“§ 494. Strategic delivery system reductions**

6       “(a) ANNUAL CERTIFICATION.—Beginning fiscal  
7   year 2013, the President shall annually certify in writing  
8   to the congressional defense committees whether plans to  
9   modernize or replace strategic delivery systems are fully  
10   resourced and being executed at a level equal to or more  
11   than the levels set forth in the November 2010 update  
12   to the plan referred to in section 1251 of the National  
13   Defense Authorization Act for Fiscal Year 2010 (Public  
14   Law 111–84; 123 Stat. 2549), including plans regard-  
15   ing—

16           “(1) a heavy bomber and air-launched cruise  
17       missile;

18           “(2) an intercontinental ballistic missile;

19           “(3) a submarine-launched ballistic missile;

20           “(4) a ballistic missile submarine; and

21           “(5) maintaining—

22               “(A) the nuclear command and control sys-  
23       tem; and

24               “(B) the rocket motor industrial base of  
25       the United States.



1       “(b) LIMITATION.—If the President certifies under  
2 subsection (a) that plans to modernize or replace strategic  
3 delivery systems are not fully resourced or being executed,  
4 none of the funds made available for fiscal year 2012 or  
5 any fiscal year thereafter for the Department of Defense  
6 may be used to reduce, convert, or eliminate strategic de-  
7 livery systems, whether deployed or nondeployed, pursuant  
8 to the New START Treaty or otherwise until a period of  
9 120 days has elapsed following the date on which such  
10 certification is made.

11       “(c) EXCEPTION.—The limitation in subsection (b)  
12 shall not apply to—

13               “(1) reductions made to ensure the safety, secu-  
14 rity, reliability, and credibility of the nuclear weap-  
15 ons stockpile and strategic delivery systems, includ-  
16 ing activities related to surveillance, assessment, cer-  
17 tification, testing, and maintenance of nuclear war-  
18 heads and delivery systems; or

19               “(2) strategic delivery systems that are retired  
20 or awaiting dismantlement on the date of the certifi-  
21 cation under subsection (a).

22       “(d) DEFINITIONS.—In this section:

23               “(1) The term ‘New START Treaty’ means the  
24 Treaty between the United States of America and  
25 the Russian Federation on Measures for the Further

1 Reduction and Limitation of Strategic Offensive  
 2 Arms, signed on April 8, 2010, and entered into  
 3 force on February 5, 2011.

4 “(2) The term ‘strategic delivery system’ means  
 5 a delivery platform for nuclear weapons.”.

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

“494. Strategic delivery system reductions.”.

9 **SEC. 1056. PREVENTION OF ASYMMETRY OF NUCLEAR**  
 10 **WEAPON STOCKPILE REDUCTIONS.**

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

12 (1) Then Secretary of Defense Robert Gates  
 13 warned in 2008 that, “There is no way to ignore ef-  
 14 forts by rogue states such as North Korea and Iran  
 15 to develop and deploy nuclear weapons or Russian or  
 16 Chinese strategic modernization programs. To be  
 17 sure, we do not consider Russia or China as adver-  
 18 saries, but we cannot ignore these developments and  
 19 the implications they have for our national secu-  
 20 rity.”.

21 (2) The 2010 Nuclear Posture Review stated  
 22 that, “large disparities in nuclear capabilities could  
 23 raise concerns on both sides and among United  
 24 States allies and partners, and may not be conducive  
 25 to maintaining a stable, long-term strategic relation-

1 ship, especially as nuclear forces are significantly re-  
2 duced.”.

3 (3) The Senate stated in the Resolution of Ad-  
4 vice and Consent to Ratification of the New START  
5 Treaty that, “It is the sense of the Senate that, in  
6 conducting the reductions mandated by the New  
7 START Treaty, the President should regulate reduc-  
8 tions in United States strategic offensive arms so  
9 that the number of accountable strategic offensive  
10 arms under the New START Treaty possessed by  
11 the Russian Federation in no case exceeds the com-  
12 parable number of accountable strategic offensive  
13 arms possessed by the United States to such an ex-  
14 tent that a strategic imbalance endangers the na-  
15 tional security interests of the United States.”.

16 (4) At a hearing before the Committee on  
17 Armed Services of the House of Representatives in  
18 2011, Secretary of Defense Leon Panetta said, with  
19 respect to unilateral nuclear reductions by the  
20 United States, “I don’t think we ought to do that  
21 unilaterally—we ought to do that on the basis of ne-  
22 gotiations with the Russians and others to make  
23 sure we are all walking the same path.”.

24 (b) CERTIFICATION.—Section 1045 of the National  
25 Defense Authorization Act for Fiscal Year 2012 (50

1 U.S.C. 2523b) is amended by adding at the end the fol-  
2 lowing new subsection:

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

5 “(1) CERTIFICATION.—During any year in  
6 which the President recommends to reduce the num-  
7 ber of nuclear weapons in the active and inactive  
8 stockpiles of the United States by a number that is  
9 greater than one percent of the number of nuclear  
10 weapons in such stockpiles, the President shall cer-  
11 tify in writing to the congressional defense commit-  
12 tees whether such reductions will cause the number  
13 of nuclear weapons in such stockpiles to be fewer  
14 than the number of nuclear weapons in the active  
15 and inactive stockpiles of the Russian Federation.

16 “(2) LIMITATION.—If the President certifies  
17 under paragraph (1) that the recommended number  
18 of nuclear weapons in the active and inactive stock-  
19 piles of the United States is fewer than the number  
20 of nuclear weapons in the active and inactive stock-  
21 piles of the Russian Federation, none of the funds  
22 made available for fiscal year 2012 or any fiscal year  
23 thereafter for the Department of Defense or the Na-  
24 tional Nuclear Security Administration may be used

1 to carry out any reduction to such stockpiles of the  
2 United States until—

3 “(A) after the date on which such certifi-  
4 cation is made, the President transmits to the  
5 congressional defense committees a report by  
6 the Commander of the United States Strategic  
7 Command, without change, detailing whether  
8 the recommended reduction would create a stra-  
9 tegic imbalance between the total nuclear forces  
10 of the United States and the total nuclear  
11 forces of the Russian Federation; and

12 “(B) a period of 180 days has elapsed fol-  
13 lowing the date on which such report is trans-  
14 mitted.

15 “(3) EXCEPTION.—The limitation in paragraph  
16 (2) shall not apply to—

17 “(A) reductions made to ensure the safety,  
18 security, reliability, and credibility of the nu-  
19 clear weapons stockpile and strategic delivery  
20 systems, including activities related to surveil-  
21 lance, assessment, certification, testing, and  
22 maintenance of nuclear warheads and strategic  
23 delivery systems; or

1 “(B) nuclear warheads that are retired or  
2 awaiting dismantlement on the date of the cer-  
3 tification under paragraph (1).”.

4 **SEC. 1057. CONSIDERATION OF EXPANSION OF NUCLEAR**  
5 **FORCES OF OTHER COUNTRIES.**

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

7 (1) The Resolution of Advice and Consent to  
8 Ratification of the New START Treaty of the Sen-  
9 ate said, “It is the sense of the Senate that if, dur-  
10 ing the time the New START Treaty remains in  
11 force, the President determines that there has been  
12 an expansion of the strategic arsenal of any country  
13 not party to the New START Treaty so as to jeop-  
14 ardize the supreme interests of the United States,  
15 then the President should consult on an urgent basis  
16 with the Senate to determine whether adherence to  
17 the New START Treaty remains in the national in-  
18 terest of the United States.”.

19 (2) In 2011, experts testified before the Com-  
20 mittee on Armed Services of the House of Rep-  
21 resentatives that—

22 (A) “Russia is modernizing every leg of its  
23 nuclear triad with new, more advanced sys-  
24 tems”, including new ballistic missile sub-  
25 marines, 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

1 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—

4 “(1) the President transmits to the appropriate  
5 congressional committees a report detailing, for each  
6 country with nuclear weapons—

7 “(A) the number of each type of nuclear  
8 weapons possessed by such country;

9 “(B) the modernization plans for such  
10 weapons of such country;

11 “(C) the production capacity of nuclear  
12 warheads and strategic delivery systems (as defined in section 491(c) of this title) of such  
13 country; and  
14

15 “(D) the nuclear doctrine of such country;  
16 and

17 “(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  
20 will—  
21

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

24 “(i) unplanned strategic or geopolitical events; or  
25



1 “(ii) technical challenge; or

2 “(B) degrade the deterrence or assurance  
3 provided by the United States to friends and al-  
4 lies of the United States.

5 “(b) FORM.—The reports required by subsection  
6 (a)(1) shall be submitted in unclassified form, but may  
7 include a classified annex.

8 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES  
9 DEFINED.—In this section, the term ‘appropriate congres-  
10 sional committees’ means the following:

11 “(1) The congressional defense committees.

12 “(2) The Committee on Foreign Affairs of the  
13 House of Representatives and the Committee on  
14 Foreign Relations of the Senate.”.

15 (2) The table of sections at the beginning of  
16 chapter 24 of title 10, United States Code, is  
17 amended by inserting after the item relating to sec-  
18 tion 494 the following new item:

“495. Consideration of expansion of nuclear forces of other countries.”.

19 **SEC. 1058. CHEMISTRY AND METALLURGY RESEARCH RE-**  
20 **PLACEMENT NUCLEAR FACILITY AND URA-**  
21 **NIUM PROCESSING FACILITY.**

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

23 (1) Administrator for Nuclear Security Thomas  
24 D’Agostino testified before the Committee on Armed  
25 Services of the House of Representatives in Feb-

1       ruary 2008 that “Infrastructure improvements are a  
2       major part of the complex transformation plan that  
3       we have, and we’ve made important progress, but we  
4       have a lot more to do. Some major facilities that we  
5       have date back to World War II and cannot readily  
6       meet today’s safety and security requirements. Let  
7       me give you just two quick examples, if I could. A  
8       sufficient capability to work with plutonium is an es-  
9       sential part of a national security enterprise and is  
10      required for as long as we retain a nuclear deter-  
11      rent, and most likely even longer. Currently, we have  
12      a very small production capacity at Los Alamos,  
13      about 10 pits per year, at our TA-55 area. Our  
14      building at Los Alamos, the Chemistry and Metal-  
15      lurgy Research Facility, is well over 50 years old  
16      and is insufficient to support the national security  
17      requirements for the stockpile and for future na-  
18      tional security mission areas. So, whether we con-  
19      tinue on our existing path or move towards a re-  
20      placement modern warhead-type stockpile, we still  
21      need the capacity to produce about 50 to 80 pits per  
22      year, which is less than one-tenth of our Cold War  
23      level, as well as the ability to carry out pit surveil-  
24      lance, which is an essential part of maintaining our  
25      stockpile.”.

1           (2) Then Commander of the United States  
2       Strategic Command General Kevin P. Chilton also  
3       testified in February 2008 that “When you have a  
4       responsive complex that has the capacity to flex to  
5       production as you may need it or adjust your de-  
6       ployed force posture in the future, should you need  
7       it—in other words, if we go to a lower number, you  
8       need to be certain that you can come back up,  
9       should the strategic environment change, and you  
10      can’t necessarily without that flexible or responsive  
11      infrastructure behind it, and that’s probably one of  
12      my great concerns. And then how you posture both  
13      the portion of your stockpile that you hold in reserve  
14      and your confidence in the weapons that you have  
15      deployed is very much a function of modernizing, in  
16      my view, the weapons systems that we have available  
17      today, which are, as the secretary described, of Cold  
18      War legacy design, and the associated issues with  
19      them.”.

20           (3) The Congressional Commission on the Stra-  
21      tegic Posture of the United States reported in May  
22      2009, with respect to the timing of the replacement  
23      of the nuclear weapons infrastructure of the United  
24      States, that “This raises an obvious question about  
25      whether these two replacement programs might pro-

1       ceed in sequence rather than concurrently. There are  
2       strong arguments for moving forward concurrently.  
3       Existing facilities are genuinely decrepit and are  
4       maintained in a safe and secure manner only at high  
5       cost. Moreover, the improved production capabilities  
6       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.”.

12           (4) The 2010 Nuclear Posture Review states—

13                   (A) “The National Nuclear Security Administration (NNSA), in close coordination with  
14                   DoD, will provide a new stockpile stewardship  
15                   and management plan to Congress within 90  
16                   days, consistent with the increases in infrastructure investment requested in the President’s FY 2011 budget. As critical infrastructure is restored and modernized, it will allow  
17                   the United States to begin to shift away from  
18                   retaining large numbers of non-deployed warheads as a technical hedge, allowing additional  
19                   reductions in the United States stockpile of  
20                   non-deployed nuclear weapons over time.”;

1 (B) “In order to sustain a safe, secure,  
2 and effective United States nuclear stockpile as  
3 long as nuclear weapons exist, the United  
4 States must possess a modern physical infra-  
5 structure—comprised of the national security  
6 laboratories and a complex of supporting facili-  
7 ties.”;

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

13 (D) “Developing a new Uranium Proc-  
14 essing Facility at the Y-12 Plant in Oak Ridge,  
15 Tennessee to come on line for production oper-  
16 ations in 2021.”;

17 (E) “Without an ability to produce ura-  
18 nium components, any plan to sustain the  
19 stockpile, as well as support for our Navy nu-  
20 clear propulsion, will come to a halt. This would  
21 have a significant impact, not just on the weap-  
22 ons program, but in dealing with nuclear dan-  
23 gers of many kinds.”; and

24 (F) “The non-deployed stockpile currently  
25 includes more warheads than required for the

1           above purposes, due to the limited capacity of  
2           the National Nuclear Security Administration  
3           (NNSA) complex to conduct LEPs for deployed  
4           weapons in a timely manner. Progress in restoring  
5           NNSA’s production infrastructure will allow  
6           these excess warheads to be retired along with  
7           other stockpile reductions planned over the next  
8           decade.”.

9           (5) In the memorandum of agreement between  
10          the Department of Defense and the Department of  
11          Energy concerning the modernization of the nuclear  
12          weapon stockpile of the United States dated May 3,  
13          2010, then Secretary of Defense Robert Gates and  
14          Secretary of Energy Steven Chu agreed that “DOE  
15          Agrees to \* \* \* increase pit production capacity \*  
16          \* \* plan and program to ramp up to a minimum of  
17          50–80 PPY in 2022.”.

18          (6) The plan required under section 1251 of the  
19          National Defense Authorization Act for Fiscal Year  
20          2010 (Public Law 111–84; 123 Stat. 2549) submitted  
21          by the President states that the Chemistry  
22          and Metallurgy Research Replacement building and  
23          the Uranium Processing Facility will complete construction  
24          by 2021 and will achieve full operational  
25          functionality by 2024.

1           (7) The Senate required that, prior to the entry  
2       into force of the New START Treaty, the President  
3       certifies to the Senate that the President intends  
4       to—

5           (A) accelerate to the extent possible the  
6       design and engineering phase of the Chemistry  
7       and Metallurgy Research Replacement building  
8       and the Uranium Processing Facility; and

9           (B) request full funding, including on a  
10      multiyear basis as appropriate, for the Chem-  
11      istry and Metallurgy Research Replacement  
12      building and the Uranium Processing Facility  
13      upon completion of the design and engineering  
14      phase for such facilities.

15          (8) The President did request full funding for  
16      such facilities on February 2, 2011, when the Presi-  
17      dent stated, “I intend to (a) accelerate, to the extent  
18      possible, the design and engineering phase of the  
19      Chemistry and Metallurgy Research Replacement  
20      (CMRR) building and the Uranium Processing Fa-  
21      cility (UPF); and (b) request full funding, including  
22      on a multi-year basis as appropriate, for the CMRR  
23      building and the UPF upon completion of the design  
24      and engineering phase for such facilities.”.

1 (b) LIMITATION.—Section 1045 of the National De-  
2 fense Authorization Act for Fiscal Year 2012 (50 U.S.C.  
3 2523b), as amended by section 1056(b), is amended by  
4 adding at the end the following new subsection:

5 “(e) CMRR AND UPF.—

6 “(1) ANNUAL CERTIFICATION.—Beginning fis-  
7 cal year 2013, the President shall annually certify in  
8 writing to the congressional defense committees  
9 whether—

10 “(A) the construction of both the Chem-  
11 istry and Metallurgy Research Replacement  
12 building and the Uranium Processing Facility  
13 will be completed by not later than 2021; and

14 “(B) both facilities will be fully operational  
15 by not later than 2024.

16 “(2) LIMITATION.—If the President certifies  
17 under paragraph (1) that the Chemistry and Metal-  
18 lurgy Research Replacement building and the Ura-  
19 nium Processing Facility will be completed by later  
20 than 2021 or be fully operational by later than  
21 2024, none of the funds made available for fiscal  
22 year 2012 or any fiscal year thereafter for the Na-  
23 tional Nuclear Security Administration may be used  
24 to reduce the nondeployed nuclear warheads in the  
25 nuclear weapons stockpile of the United States until



1 a period of 120 days has elapsed following the date  
2 of such certification.

3 “(3) EXCEPTION.—The limitation in paragraph  
4 (2) shall not apply to—

5 “(A) reductions made to ensure the safety,  
6 security, reliability, and credibility of the nu-  
7 clear weapons stockpile and delivery systems,  
8 including activities related to surveillance, as-  
9 sessment, certification, testing, and mainte-  
10 nance of nuclear warheads and strategic deliv-  
11 ery systems; or

12 “(B) nuclear warheads that are retired or  
13 awaiting dismantlement on the date of the cer-  
14 tification under paragraph (1).

15 “(4) TERMINATION.—The requirement in para-  
16 graph (1) shall terminate on the date on which the  
17 President certifies in writing to the congressional de-  
18 fense committees that the Chemistry and Metallurgy  
19 Research Replacement building and the Uranium  
20 Processing Facility are both fully operational.”.

21 **SEC. 1059. NUCLEAR WARHEADS ON INTERCONTINENTAL**  
22 **BALLISTIC MISSILES OF THE UNITED STATES.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that reducing the number of nuclear warheads con-  
25 tained on each intercontinental ballistic missile of the

1 United States does not promote strategic stability if at  
2 the same time other nuclear weapons states, including the  
3 Russian Federation and the People’s Republic of China,  
4 are rapidly increasing the warhead-loading of their land-  
5 based missile forces.

6 (b) LIMITATION.—

7 (1) IN GENERAL.—Chapter 24 of title 10,  
8 United States Code, as added by section 1051, is  
9 amended by adding at the end the following new sec-  
10 tion:

11 **“§ 496. Nuclear warheads on intercontinental bal-**  
12 **listic missiles of the United States**

13 “(a) IN GENERAL.—During any year in which the  
14 President proposes to reduce the number of nuclear war-  
15 heads contained on an intercontinental ballistic missile of  
16 the United States, none of the funds made available for  
17 fiscal year 2012 or any fiscal year thereafter for the De-  
18 partment of Defense or the National Nuclear Security Ad-  
19 ministration may be used for such proposed reduction if  
20 the reduction results in such missile having only a single  
21 nuclear warhead unless the President certifies in writing  
22 to the congressional defense committees that the Russian  
23 Federation and the People’s Republic of China are both  
24 also carrying out a similar reduction.

1       “(b) EXCEPTION.—The limitation in subsection (a)  
 2 shall not apply to reductions made to ensure the safety,  
 3 security, reliability, and credibility of the nuclear weapons  
 4 stockpile and delivery systems, including activities related  
 5 to surveillance, assessment, certification, testing, and  
 6 maintenance of nuclear warheads and strategic delivery  
 7 systems.”.

8           (2) The table of sections at the beginning of  
 9 chapter 24 of title 10, United States Code, is  
 10 amended by inserting after the item relating to sec-  
 11 tion 495 the following:

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

12 **SEC. 1060. NONSTRATEGIC NUCLEAR WEAPON REDUC-**  
 13 **TIONS AND EXTENDED DETERRENCE POLICY.**

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

15           (1) The NATO Strategic Concept of 2010 en-  
 16 dorsed the continued role of nuclear weapons in the  
 17 security of the NATO alliance, stating—

18           (A) “The supreme guarantee of the secu-  
 19 rity of the Allies is provided by the strategic nu-  
 20 clear forces of the Alliance, particularly those of  
 21 the United States; the independent strategic  
 22 nuclear forces of the United Kingdom and  
 23 France, which have a deterrent role of their

1 own, contribute to the overall deterrence and  
2 security of the Allies.”;

3 (B) “We will ensure that NATO has the  
4 full range of capabilities necessary to deter and  
5 defend against any threat to the safety and se-  
6 curity of our populations. Therefore, we will \*  
7 \* \* maintain an appropriate mix of nuclear and  
8 conventional forces”; and

9 (C) “[NATO will] ensure the broadest pos-  
10 sible participation of Allies in collective defence  
11 planning on nuclear roles, in peacetime basing  
12 of nuclear forces, and in command, control and  
13 consultation arrangements.”.

14 (2) However, the 2010 Strategic Concept also  
15 walked away from the decades-long policy encap-  
16 sulated by the 1999 Strategic Concept that said,  
17 “The presence of United States conventional and  
18 nuclear forces in Europe remains vital to the secu-  
19 rity of Europe, which is inseparably linked to that  
20 of North America.”.

21 (3) Former Secretary of Defense William Perry  
22 said in March 2011 testimony before the Sub-  
23 committee on Strategic Forces of the Committee on  
24 Armed Services of the House of Representatives that  
25 “the reason we have nuclear weapons in Europe in

1 the first place, is not because the rest of our weap-  
2 ons are not capable of deterrence, but because, dur-  
3 ing the Cold War at least, our allies in Europe felt  
4 more assured when we had nuclear weapons in Eu-  
5 rope. That is why they were deployed there in the  
6 first place. Today the issue is a little different. The  
7 issue is the Russians in the meantime have built a  
8 large number of nuclear weapons, and we keep our  
9 nuclear weapons there as somewhat of a political le-  
10 verage for dealing with an ultimate treaty in which  
11 we may get Russia and the United States to elimi-  
12 nate tactical nuclear weapons. My own view is it  
13 would be desirable if both the United States and  
14 Russia would eliminate tactical nuclear weapons, but  
15 I see it as very difficult to arrive at that conclusion  
16 if we were to simply eliminate all of our tactical nu-  
17 clear weapons unilaterally.”.

18 (4) During testimony before the Subcommittee  
19 on Strategic Forces of the Committee on Armed  
20 Services of the House of Representatives in July  
21 2011—

22 (A) former Department of Defense official  
23 Frank Miller stated, “as long as United States  
24 allies believe that those weapons need to be

1           there, we need to make sure that we provide  
2           that security.”; and

3                   (B) former Department of Defense official  
4           Mort Halperin stated, “I do not think we  
5           should be willing to trade our withdrawal of our  
6           nuclear weapons from Europe for some reduc-  
7           tion, even a substantial reduction, in Russian  
8           tactical nuclear weapons because if it is \* \* \*  
9           that the credibility of the American nuclear de-  
10          terrent for our NATO allies depends on the  
11          presence of nuclear weapons in Europe, that  
12          will not change if the Russians cut their tactical  
13          nuclear arsenal by two thirds, or even eliminate  
14          it because they will still have their strategic  
15          weapons, which, while they can’t have inter-  
16          mediate range missiles, they can find a way to  
17          target them on the NATO countries.”.

18               (5) Section 1237(b) of the National Defense  
19          Authorization Act for Fiscal Year 2012 (Public Law  
20          112–81) expressed the sense of Congress that—

21                   (A) the commitment of the United States  
22          to extended deterrence in Europe and the nu-  
23          clear alliance of NATO is an important compo-  
24          nent of ensuring and linking the national secu-

1           rity of the United States and its European al-  
2           lies;

3           (B) the nuclear forces of the United States  
4           are a key component of the NATO nuclear alli-  
5           ance; and

6           (C) the presence of the nuclear weapons of  
7           the United States in Europe—combined with  
8           NATO’s unique nuclear sharing arrangements  
9           under which non-nuclear members participate  
10          in nuclear planning and possess specially con-  
11          figured aircraft capable of delivering nuclear  
12          weapons—provides reassurance to NATO allies  
13          who feel exposed to regional threats.

14       (b) LIMITATION.—Chapter 24 of title 10, United  
15       States Code, as added by section 1051, is amended by  
16       adding at the end the following new section:

17       **“§ 497. Limitation on reduction, consolidation, or**  
18                 **withdrawal of nuclear forces based in Eu-**  
19                 **rope**

20       “(a) POLICY ON NONSTRATEGIC NUCLEAR WEAP-  
21       ONS.—It is the policy of the United States—

22               “(1) to pursue negotiations with the Russian  
23       Federation aimed at the reduction of Russian de-  
24       ployed and nondeployed, nonstrategic nuclear forces;

1           “(2) that nonstrategic nuclear weapons should  
2           be considered when weighing the balance of the nu-  
3           clear forces of the United States and the Russian  
4           Federation;

5           “(3) that any geographical relocation or storage  
6           of nonstrategic nuclear weapons by the Russian Fed-  
7           eration does not constitute a reduction or elimi-  
8           nation of such weapons;

9           “(4) the vast advantage of the Russian Federa-  
10          tion in nonstrategic nuclear weapons constitutes a  
11          threat to the United States and its allies and a  
12          growing asymmetry in Western Europe; and

13          “(5) the forward-deployed nuclear forces of the  
14          United States are an important contributor to the  
15          assurance of the allies of the United States and con-  
16          stitute a check on proliferation and a tool in dealing  
17          with neighboring states hostile to NATO.

18          “(b) POLICY ON EXTENDED DETERRENCE COMMIT-  
19          MENT TO EUROPE.—It is the policy of the United States  
20          that—

21               “(1) it maintain its commitment to extended  
22               deterrence, specifically the nuclear alliance of the  
23               North Atlantic Treaty Organization, as an impor-  
24               tant component of ensuring and linking the national



1 security interests of the United States and the secu-  
2 rity of its European allies;

3 “(2) forward-deployed nuclear forces of the  
4 United States shall remain based in Europe in sup-  
5 port of the nuclear policy and posture of NATO;

6 “(3) the presence of nuclear weapons of the  
7 United States in Europe—combined with NATO’s  
8 unique nuclear sharing arrangements under which  
9 non-nuclear members participate in nuclear planning  
10 and possess specially configured aircraft capable of  
11 delivering nuclear weapons—contributes to the cohe-  
12 sion of NATO and provides reassurance to allies and  
13 partners who feel exposed to regional threats; and

14 “(4) only the President and Congress can ar-  
15 ticulate when and how the United States will employ  
16 the nuclear forces of the United States and no mul-  
17 tilateral organization, not even NATO, can articu-  
18 late a declaratory policy concerning the use of nu-  
19 clear weapons that binds the United States.

20 “(c) LIMITATION ON REDUCTION, CONSOLIDATION,  
21 OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EU-  
22 ROPE.—In light of the policy expressed in subsections (a)  
23 and (b), none of the funds made available for fiscal year  
24 2012 or any fiscal year thereafter for the Department of  
25 Defense may be used to effect or implement the reduction,

1 consolidation, or withdrawal of nuclear forces of the  
2 United States that are based in Europe unless—

3 “(1) the reduction, consolidation, or withdrawal  
4 of such nuclear forces is requested by the govern-  
5 ment of the host nation in the manner provided in  
6 the agreement between the United States and the  
7 host nation regarding the forces;

8 “(2) the President certifies that—

9 “(A) NATO member states have consid-  
10 ered the reduction, consolidation, or withdrawal  
11 in the High Level Group;

12 “(B) NATO has decided to support such  
13 reduction, consolidation, or withdrawal;

14 “(C) the remaining nuclear forces of the  
15 United States that are based in Europe after  
16 such reduction, consolidation, or withdrawal  
17 would provide a commensurate or better level of  
18 assurance and credibility as before such reduc-  
19 tion, consolidation, or withdrawal; and

20 “(D) there has been reciprocal action by  
21 the Russian Federation, not including the Rus-  
22 sian Federation relocating nuclear forces from  
23 one location to another; or

1           “(3) the reduction, consolidation, or withdrawal  
2           of such nuclear forces is specifically authorized by  
3           an Act of Congress.

4           “(d) NOTIFICATION.—Upon any decision to reduce,  
5           consolidate, or withdraw the nuclear forces of the United  
6           States that are based in Europe, the President shall sub-  
7           mit to the appropriate congressional committees a notifi-  
8           cation containing—

9           “(1) the certification required by paragraph (2)  
10          of subsection (c) if such reduction, consolidation, or  
11          withdrawal is based upon such paragraph;

12          “(2) justification for such reduction, consolida-  
13          tion, or withdrawal; and

14          “(3) an assessment of how NATO member  
15          states, in light of such reduction, consolidation, or  
16          withdrawal, assess the credibility of the deterrence  
17          capability of the United States in support of its com-  
18          mitments undertaken pursuant to article 5 of the  
19          North Atlantic Treaty, signed at Washington, Dis-  
20          trict of Columbia, on April 4, 1949, and entered into  
21          force on August 24, 1949 (63 Stat. 2241; TIAS  
22          1964).

23          “(e) NOTICE AND WAIT REQUIREMENT.—The Presi-  
24          dent may not commence a reduction, consolidation, or  
25          withdrawal of the nuclear forces of the United States that

1 are based in Europe for which the certification required  
 2 by subsection (c)(2) is made until the expiration of a 180-  
 3 day period beginning on the date on which the President  
 4 submits the notification under subsection (d) containing  
 5 the certification.

6 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
 7 In this section, the term ‘appropriate congressional com-  
 8 mittees’ means—

9 “(1) the Committees on Armed Services of the  
 10 House of Representatives and the Senate; and

11 “(2) the Committee on Foreign Affairs of the  
 12 House of Representatives and the Committee on  
 13 Foreign Relations of the Senate.”.

14 (c) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of chapter 24 of title 10, United States  
 16 Code, is amended by inserting after the item relating to  
 17 section 496 the following:

“497. Limitation on reduction, consolidation, or withdrawal of nuclear forces  
 based in Europe.”.

18 **SEC. 1061. IMPROVEMENTS TO NUCLEAR WEAPONS COUN-**  
 19 **CIL.**

20 Section 179 of title 10, United States Code, is  
 21 amended—

22 (1) in subsection (b)(3), by adding at the end  
 23 the following: “Not later than seven days before a  
 24 meeting, the Chairman shall disseminate to each

1 member of the Council the agenda and documents  
2 for such meeting.”; and

3 (2) in subsection (d)—

4 (A) in paragraph (2), by inserting “and al-  
5 ternatives” before the period;

6 (B) in paragraph (3), by inserting “and  
7 approving” after “Coordinating”;

8 (C) in paragraph (7)—

9 (i) by striking “broad” and inserting  
10 “specific”; and

11 (ii) by inserting before the period the  
12 following: “and priorities among activities,  
13 including production, surveillance, re-  
14 search, construction, and any other pro-  
15 grams within the National Nuclear Secu-  
16 rity Administration”; and

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

19 “(11) Coordinating and approving the annual  
20 budget proposals of the National Nuclear Security  
21 Administration, including before such proposals are  
22 submitted to—

23 “(A) the Director of the Office of Manage-  
24 ment and Budget;

25 “(B) the President; and

1                   “(C) Congress under section 1105 of title  
2                   31.”.

3   **SEC. 1062. INTERAGENCY COUNCIL ON THE STRATEGIC CA-**  
4                   **PABILITY OF THE NATIONAL LABORATORIES.**

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

8   **“§ 188. Interagency Council on the Strategic Capa-**  
9                   **bility of the National Laboratories**

10           “(a) ESTABLISHMENT.—There is an Interagency  
11 Council on the Strategic Capability of the National Lab-  
12 oratories (in this section referred to as the ‘Council’).

13           “(b) MEMBERSHIP.—The membership of the Council  
14 is comprised of the following:

15                   “(1) The Secretary of Defense.

16                   “(2) The Secretary of Energy.

17                   “(3) The Secretary of Homeland Security.

18                   “(4) The Director of National Intelligence.

19                   “(5) The Administrator for Nuclear Security.

20                   “(6) Such other officials as the President con-  
21 siders appropriate.

22           “(c) STRUCTURE AND PROCEDURES.—The President  
23 may determine the chair, structure, staff, and procedures  
24 of the Council.

1       “(d) RESPONSIBILITIES.—The Council shall be re-  
2   sponsible for the following matters:

3           “(1) Identifying and considering the science,  
4       technology, and engineering capabilities of the na-  
5       tional laboratories that could be leveraged by each  
6       participating agency to support national security  
7       missions.

8           “(2) Reviewing and assessing the adequacy of  
9       the national security science, technology, and engi-  
10      neering capabilities of the national laboratories for  
11      supporting national security missions throughout the  
12      Federal Government.

13          “(3) Establishing and overseeing means of en-  
14      suring that—

15           “(A) capabilities identified by the Council  
16      under paragraph (1) are sustained to an appro-  
17      priate level; and

18           “(B) each participating agency provides  
19      the appropriate level of institutional support to  
20      sustain such capabilities.

21          “(4) In accordance with acquisition rules re-  
22      garding federally funded research and development  
23      centers, establishing criteria for when each partici-  
24      pating agency should seek to use the services of the

1 national laboratories, including the identification of  
2 appropriate mission areas and capabilities.

3 “(5) Making recommendations to the President  
4 and Congress regarding regulatory or statutory  
5 changes needed to better support—

6 “(A) the strategic capabilities of the na-  
7 tional laboratories; and

8 “(B) the use of such laboratories by each  
9 participating agency.

10 “(6) Other actions the Council considers appro-  
11 priate with respect to—

12 “(A) the sustainment of the national lab-  
13 oratories; and

14 “(B) the use of the strategic capabilities of  
15 such laboratories.

16 “(e) STREAMLINED PROCESS.—With respect to the  
17 participating agency for which a member of the Council  
18 is the head of, each member of the Council shall—

19 “(1) establish processes to streamline the con-  
20 sideration and approval of procuring the services of  
21 the national laboratories on appropriate matters;  
22 and

23 “(2) ensure that such processes are used in ac-  
24 cordance with the criteria established under sub-  
25 section (d)(4).



1 “(f) DEFINITIONS.—In this section:

2 “(1) The term ‘participating agency’ means a  
3 department or agency of the Federal Government  
4 that is represented on the Council by a member  
5 under subsection (b).

6 “(2) The term ‘national laboratories’ means—

7 “(A) each national security laboratory (as  
8 defined in section 3281(1) of the National Nu-  
9 clear Security Administration Act (50 U.S.C.  
10 2471(1))); and

11 “(B) each national laboratory of the De-  
12 partment of Energy.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 at the beginning of such chapter is amended by adding  
15 after the item relating to section 187 the following new  
16 item:

“188. Interagency Council on the Strategic Capability of the National Labora-  
tories.”.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than July 1, 2013,  
19 the Interagency Council on the Strategic Capability  
20 of the National Laboratories under section 188 of  
21 title 10, United States Code, as added by subsection  
22 (a), shall submit to the appropriate congressional  
23 committees a report describing and assessing the fol-  
24 lowing:

1           (A) The actions taken to implement the re-  
2           quirements of such section 188 and the charter  
3           titled “Governance Charter for an Interagency  
4           Council on the Strategic Capability of DOE Na-  
5           tional Laboratories as National Security As-  
6           sets” signed by the Secretary of Defense, the  
7           Secretary of Energy, the Secretary of Home-  
8           land Security, and the Director of National In-  
9           telligence in July 2010.

10          (B) The effectiveness of the Council in ac-  
11          complishing the purpose and objectives of such  
12          section and such Charter.

13          (C) Efforts to strengthen work-for-others  
14          programs at the national laboratories.

15          (D) Efforts to make work-for-others oppor-  
16          tunities more cost-effective.

17          (E) Ongoing and planned measures for in-  
18          creasing cost-sharing and institutional support  
19          investments from other agencies.

20          (F) Any regulatory or statutory changes  
21          recommended to improve the ability of such  
22          other agencies to leverage expertise and capa-  
23          bilities at such laboratories.

1           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
2       TEES.—In this subsection, the term “appropriate  
3       congressional committees” means the following:

4           (A) The congressional defense committees.

5           (B) The Committee on Energy and Com-  
6       merce of the House of Representatives and the  
7       Committee on Energy and Natural Resources of  
8       the Senate.

9           (C) The Committee on Homeland Security  
10      of the House of Representatives and the Com-  
11      mittee on Homeland Security and Govern-  
12      mental Affairs of the Senate.

13          (D) The Committee on Science, Space, and  
14      Technology of the House of Representatives  
15      and the Committee on Commerce, Science, and  
16      Transportation of the Senate.

17          (E) The Permanent Select Committee on  
18      Intelligence of the House of Representatives  
19      and the Select Committee on Intelligence of the  
20      Senate.

21      (d) CONSTRUCTION.—Nothing in section 188 of title  
22    10, United States Code, as added by subsection (a), shall  
23    be construed to limit section 309 of the Homeland Secu-  
24    rity Act of 2002 (6 U.S.C. 189).

1 **SEC. 1063. REPORT ON CAPABILITY OF CONVENTIONAL**  
2 **AND NUCLEAR FORCES AGAINST CERTAIN**  
3 **TUNNEL SITES.**

4 (a) REPORT.—Not later than one year after the date  
5 of the enactment of this Act, the Commander of the  
6 United States Strategic Command shall submit to the ap-  
7 propriate congressional committees a report on the under-  
8 ground tunnel network used by the People’s Republic of  
9 China with respect to the capability of the United States  
10 to use conventional and nuclear forces to neutralize such  
11 tunnels and what is stored within such tunnels.

12 (b) FORM.—The report under subsection (a) shall be  
13 submitted in unclassified form, but may include a classi-  
14 fied annex.

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
16 In this section, the term “appropriate congressional com-  
17 mittees” means the following:

18 (1) The congressional defense committees.

19 (2) The Committee on Foreign Affairs of the  
20 House of Representatives and the Committee on  
21 Foreign Relations of the Senate.

22 **SEC. 1064. REPORT ON CONVENTIONAL AND NUCLEAR**  
23 **FORCES IN THE WESTERN PACIFIC REGION.**

24 (a) SENSE OF CONGRESS.—Congress—

25 (1) supports steps taken by the President to—

1 (A) reinforce the security of the allies of  
2 the United States; and

3 (B) strengthen the deterrent capability of  
4 the United States against the illegal and in-  
5 creasingly belligerent actions of North Korea;  
6 and

7 (2) encourages further steps, including such  
8 steps to deploy additional conventional forces of the  
9 United States and redeploy tactical nuclear weapons  
10 to the Western Pacific region.

11 (b) REPORT.—Not later than 90 days after the date  
12 of the enactment of this Act, the Secretary of Defense,  
13 in consultation with the Secretary of State, shall submit  
14 to the congressional defense committees a report on de-  
15 ploying additional conventional and nuclear forces to the  
16 Western Pacific region to ensure the presence of a robust  
17 conventional and nuclear capability, including a forward-  
18 deployed nuclear capability, of the United States in re-  
19 sponse to the ballistic missile and nuclear weapons devel-  
20 opments of North Korea and the other belligerent actions  
21 North Korea has made against allies of the United States.  
22 The report shall include an evaluation of any bilateral  
23 agreements, basing arrangements, and costs that would be  
24 involved with such additional deployments.

1 **SEC. 1065. SENSE OF CONGRESS ON NUCLEAR ARSENAL.**

2 It is the sense of Congress that the nuclear force  
3 structure of the United States should be periodically reex-  
4 amined, through nuclear posture reviews, to assess as-  
5 sumptions that shape the structure, size, and targeting of  
6 the nuclear forces of the United States and to ensure that  
7 such forces are structured, sized, and targeted—

8 (1) to be capable of holding at risk the assets  
9 that potential adversaries value; and

10 (2) to provide robust extended deterrence and  
11 assurance to allies of the United States.

12 **SEC. 1065A. BUDGET REQUIREMENTS ASSOCIATED WITH**  
13 **SUSTAINING AND MODERNIZING THE NU-**  
14 **CLEAR DETERRENT.**

15 Section 1043 of the National Defense Authorization  
16 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
17 1576) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (2), by amending sub-  
20 paragraph (F) to read as follows:

21 “(F) In accordance with paragraph (3), a  
22 detailed estimate of the budget requirements as-  
23 sociated with sustaining and modernizing the  
24 nuclear deterrent of the United States and the  
25 nuclear weapons stockpile of the United States,  
26 including the costs associated with the plans

outlined under subparagraphs (A) through (E),  
over the 10-year period following the date of  
the report, including the applicable and appropriate costs associated with—

“(i) training;

“(ii) basing;

“(iii) security;

“(iv) testing;

“(v) research;

“(vi) development;

“(vii) deployment;

“(viii) transportation;

“(ix) personnel;

“(x) overhead; and

“(xi) other appropriate matters.”; and

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

“(3) DETAILED BUDGET ESTIMATE CONTENTS.—Each budget estimate under paragraph (2)(F) shall include a detailed description of the matters included in such estimate, the rationale for including such matters, and the cost listed by location. Such costs listed by location shall be submitted in the form of a classified annex in accordance with subsection (b).”; and

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

3       “(c) COMPTROLLER GENERAL.—The Comptroller  
4       General of the United States shall—

5           “(1) review each report under subsection (a) for  
6       accuracy and completeness with respect to the mat-  
7       ters described in paragraphs (2)(F) and (3) of such  
8       subsection; and

9           “(2) not later than 180 days after the date on  
10      which such report under subsection (a) is submitted,  
11      submit to the congressional defense committees a  
12      summary of each such review.”.

13 **SEC. 1065B. PROHIBITION ON UNILATERAL REDUCTION OF**  
14 **NUCLEAR WEAPONS OF THE UNITED STATES.**

15       (a) IN GENERAL.—Chapter 24 of title 10, United  
16       States Code, as added by section 1051, is amended by  
17       adding at the end the following:

18 **“§ 498. Prohibition on unilateral reduction of nuclear**  
19 **weapons**

20       “The President may not retire, dismantle, or elimi-  
21       nate, or prepare to retire, dismantle, or eliminate, any nu-  
22       clear weapon of the United States (including such de-  
23       ployed weapons and nondeployed weapons and warheads  
24       in the nuclear weapons stockpile) if such action would re-  
25       duce the number of such weapons to a number that is



1 less than the level described in the New START Treaty  
 2 (as defined in section 130f(c) of this title) unless such ac-  
 3 tion is—

4 “(1) required by a treaty or international agree-  
 5 ment specifically approved with the advice and con-  
 6 sent of the Senate pursuant to Article II, section 2,  
 7 clause 2 of the Constitution; or

8 “(2) specifically authorized by an Act of Con-  
 9 gress.”.

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

“498. Prohibition on unilateral reduction of nuclear weapons.”.

13 **SEC. 1065C. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
 14 **RETIREMENT OF STRATEGIC DELIVERY SYS-**  
 15 **TEMS.**

16 (a) LIMITATION.—Chapter 24 of title 10, United  
 17 States Code, is amended by adding at the end the fol-  
 18 lowing:

19 **“§ 498. Commensurate strategic delivery system re-**  
 20 **ductions**

21 “(a) LIMITATION ON NEW START REDUCTIONS.—  
 22 None of the funds authorized to be appropriated or other-  
 23 wise made available for fiscal year 2013 or any fiscal year  
 24 thereafter for the Department of Defense may be obli-  
 25 gated or expended to reduce, convert, or decommission any

1 strategic delivery system pursuant to the levels set forth  
2 for such systems under the New START Treaty unless  
3 the President certifies to the congressional defense com-  
4 mittees that—

5 “(1) the Russian Federation must make a com-  
6 mensurate reduction, conversion, or decommissioning  
7 pursuant to the levels set forth under such treaty;  
8 and

9 “(2) the Russian Federation is not developing  
10 or deploying a strategic delivery system that is—

11 “(A) not covered under the limits set forth  
12 under such treaty; and

13 “(B) capable of reaching the United  
14 States.

15 “(b) LIMITATION ON TRIAD REDUCTIONS.—None of  
16 the funds authorized to be appropriated by this Act or  
17 otherwise made available for fiscal year 2013 or any fiscal  
18 year thereafter for the Department of Defense may be ob-  
19 ligated or expended to reduce, convert, or decommission  
20 any strategic delivery system if such reduction, conversion,  
21 or decommissioning would eliminate a leg of the nuclear  
22 triad.

23 “(c) DEFINITIONS.—In this section:

24 “(1) The term ‘New START Treaty’ means the  
25 Treaty between the United States of America and

1 the Russian Federation on Measures for the Further  
 2 Reduction and Limitation of Strategic Offensive  
 3 Arms, signed on April 8, 2010, and entered into  
 4 force on February 5, 2011.

5 “(2) The term ‘strategic delivery system’ means  
 6 the following delivery platforms for nuclear weapons:

7 “(A) Land-based intercontinental ballistic  
 8 missiles.

9 “(B) Submarine-launched ballistic missiles  
 10 and associated ballistic missile submarines.

11 “(C) Nuclear-certified strategic bombers.

12 “(3) The term ‘triad’ means the nuclear deter-  
 13 rent capabilities of the United States composed of  
 14 the strategic delivery systems.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
 16 at the beginning of such chapter is amended by inserting  
 17 after the item relating to section 497 the following new  
 18 item:

“498. Commensurate strategic delivery system reductions.”.

## 19 **Subtitle F—Studies and Reports**

### 20 **SEC. 1066. ASSESSMENT OF DEPARTMENT OF DEFENSE USE** 21 **OF ELECTROMAGNETIC SPECTRUM.**

22 Not later than 120 days after the date of the enact-  
 23 ment of this Act, the Secretary of Defense shall provide  
 24 to the congressional defense committees, the Committee  
 25 on Energy and Commerce of the House of Representa-

1 tives, and the Committee on Commerce, Science, and  
2 Transportation of the Senate a briefing assessing the use  
3 of electromagnetic spectrum by the Department of De-  
4 fense, including—

5           (1) a comparison of the actual and projected  
6           cost impact, time required to plan and implement,  
7           and policy implications of electromagnetic spectrum  
8           reallocations made since the enactment of the Omni-  
9           bus Budget Reconciliation Act of 1993 (Public Law  
10          103–66, 107 Stat. 312);

11          (2) an identification of critical electromagnetic  
12          spectrum assignments where there is use by the De-  
13          partment of Defense that—

14                (A) cannot be eliminated, relocated, con-  
15                solidated in other electromagnetic spectrum  
16                bands, or for which there is no commercial or  
17                non-spectrum alternative, including a detailed  
18                explanation of why that is the case; and

19                (B) can be eliminated, relocated, consoli-  
20                dated in other electromagnetic spectrum bands,  
21                or for which there is a commercial or non-spec-  
22                trum alternative, including frequency of use,  
23                time necessary to relocate or consolidate to an-  
24                other electromagnetic spectrum band, and oper-  
25                ational and cost impacts; and

1           (3) an analysis of the research being conducted  
2       by the Department of Defense in electromagnetic  
3       spectrum-sharing and other dynamic electromagnetic  
4       spectrum access technologies, including maturity  
5       level, applicability for spectrum relocation or consoli-  
6       dation, and potential costs for continued develop-  
7       ment or implementation.

8   **SEC. 1067. ELECTRONIC WARFARE STRATEGY OF THE DE-**  
9                           **PARTMENT OF DEFENSE.**

10       (a) GUIDANCE REQUIRED.—Not later than January  
11   1, 2013, the Secretary of Defense shall review and update  
12   Department of Defense guidance related to electronic war-  
13   fare to ensure that oversight roles and responsibilities  
14   within the Department related to electronic warfare policy  
15   and programs are clearly defined. Such guidance shall  
16   clarify, as appropriate, the roles and responsibilities re-  
17   lated to the integration of electronic warfare matters and  
18   cyberspace operations.

19       (b) PLAN REQUIRED.—Not later than January 1,  
20   2013, the Commander of the United States Strategic  
21   Command shall update and issue guidance regarding the  
22   responsibilities of the Command with regard to joint elec-  
23   tronic warfare capabilities. Such guidance shall—

24           (1) define the role and objectives of the Joint  
25       Electromagnetic Spectrum Control Center or any

1 other center established in the Command to provide  
2 governance and oversight of electronic warfare mat-  
3 ters; and

4 (2) include an implementation plan outlining  
5 tasks, metrics, and timelines to establish such a cen-  
6 ter.

7 (c) ADDITIONAL REPORTING REQUIREMENTS.—Sec-  
8 tion 1053(b)(1) of the National Defense Authorization Act  
9 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
10 2459) is amended—

11 (1) in subparagraph (B), by striking “; and”  
12 and inserting a semicolon;

13 (2) in subparagraph (C), by striking the period  
14 and inserting a semicolon; and

15 (3) by adding at the end the following new sub-  
16 paragraphs:

17 “(D) performance measures to guide the  
18 implementation of such strategy;

19 “(E) an identification of resources and in-  
20 vestments necessary to implement such strat-  
21 egy; and

22 “(F) an identification of the roles and re-  
23 sponsibilities within the Department to imple-  
24 ment such strategy.”.

1 **SEC. 1068. REPORT ON COUNTERPROLIFERATION CAPA-**  
2 **BILITIES AND LIMITATIONS.**

3 (a) REPORT REQUIRED.—Not later than March 1,  
4 2013, the Secretary of Defense shall provide to the con-  
5 gressional defense committees a report outlining oper-  
6 ational capabilities, limitations, and shortfalls within the  
7 Department of Defense with respect to counterprolifera-  
8 tion and combating weapons of mass destruction involving  
9 special operations forces and key enabling forces.

10 (b) ELEMENTS.—The report required under sub-  
11 section (a) shall include each of the following elements:

12 (1) An overview of current capabilities and limi-  
13 tations.

14 (2) An overview and assessment of current and  
15 future training requirements and gaps.

16 (3) An assessment of technical capability gaps.

17 (4) An assessment of interagency coordination  
18 capabilities and gaps.

19 (5) An outline of current and future prolifera-  
20 tion and weapons of mass destruction threats, in-  
21 cluding critical intelligence gaps.

22 (6) An assessment of current international bi-  
23 lateral and multilateral partnerships and the limita-  
24 tions of such partnerships, including an assessment  
25 of existing authorities to build partnership capacity  
26 in this area.

1           (7) A description of efforts to address the limi-  
2           tations and gaps referred to in paragraphs (1)  
3           through (6), including timelines and requirements to  
4           address such limitations and such gaps.

5           (8) Any other matters the Secretary considered  
6           appropriate.

7   **SEC. 1069. REPORT ON COMMUNICATIONS FROM CON-**  
8                           **GRESS ON STATUS OF MILITARY CONSTRUC-**  
9                           **TION PROJECTS.**

10          (a) REPORT REQUIRED.—The Secretary of Defense  
11       shall submit to Congress a report describing any letters  
12       from Congress (including a committee of the Senate or  
13       the House of Representatives, a member of Congress, an  
14       officer of Congress, or a congressional staff member) re-  
15       ceived by the Department of Defense that refers to or re-  
16       quests information on the status of a military construction  
17       project on the future-years defense program.

18          (b) DEADLINE.—The report required by subsection  
19       (a) shall be submitted not later than one year after the  
20       date of the enactment of this Act.

21   **SEC. 1070. FEDERAL MORTUARY AFFAIRS ADVISORY COM-**  
22                           **MISSION.**

23          (a) ESTABLISHMENT.—There is established a Fed-  
24       eral Mortuary Affairs Advisory Commission.



1       (b) PURPOSE.—The purpose of the Commission shall  
2 be to advise the President, the Secretary of Defense, the  
3 Secretary of Veterans Affairs, and Congress on the best  
4 practices for casualty notification, family support, and  
5 mortuary affairs operations so as to ensure prompt notifi-  
6 cation and compassionate and responsive support for fami-  
7 lies who have lost servicemembers, and for the honorable  
8 and dignified disposition of the remains of fallen  
9 servicemembers.

10       (c) SCOPE.—Within the Department of Defense and  
11 the Department of Veterans Affairs, the Commission shall  
12 examine, on an ongoing basis, all matters that encompass  
13 the notification of family members on the death of a serv-  
14 icemember in said family; all family support programs,  
15 policies, and procedures designed to assist affected fami-  
16 lies; and all aspects of mortuary affairs operations, includ-  
17 ing the final disposition of fallen servicemembers.

18       (d) COMPOSITION.—

19               (1) MEMBERS.—The Commission shall consist  
20 of 13 members, appointed as follows:

21                       (A) One member appointed by the Presi-  
22 dent of the United States.

23                       (B) One member appointed by the Speaker  
24 of the House of Representatives.

1           (C) One member appointed by the Minor-  
2           ity Leader of the House of Representatives.

3           (D) One member appointed by the Major-  
4           ity Leader of the Senate.

5           (E) One member appointed by the Minor-  
6           ity Leader of the Senate.

7           (F) One member appointed by the Chair-  
8           man of the House Committee on Veterans Af-  
9           fairs.

10          (G) One member appointed by the Ranking  
11          Member of the House Committee on Veterans  
12          Affairs.

13          (H) One member appointed by the Chair-  
14          man of the House Committee on Armed Serv-  
15          ices.

16          (I) One member appointed by the Ranking  
17          Member of the House Committee on Armed  
18          Services.

19          (J) One member appointed by the Chair-  
20          man of the Senate Committee on Veterans Af-  
21          fairs.

22          (K) One member appointed by the Rank-  
23          ing Member of the Senate Committee on Vet-  
24          erans Affairs.

1           (L) One member appointed by the Chair-  
2           man of the Senate Committee on Armed Serv-  
3           ices.

4           (M) One member appointed by the Chair-  
5           man of the Senate Committee on Armed Serv-  
6           ices.

7           (2) TERM.—Each member shall serve a term of  
8           three years.

9           (3) MEETINGS AND QUORUM.—After its initial  
10          meeting, the Commission shall meet upon the call of  
11          the chairman or a majority of its members. Seven  
12          members of the Commission shall constitute a  
13          quorum.

14          (4) CHAIRMAN AND VICE CHAIRMAN.—Upon  
15          convening for its first meeting, the Commission  
16          members shall elect by majority vote a chairman and  
17          vice chairman of the Commission.

18          (5) VACANCIES.—Any vacancy in the Commis-  
19          sion shall not affect its powers, but shall be filled in  
20          the same manner in which the original appointment  
21          was made.

22          (e) QUALIFICATIONS.—

23               (1) POLITICAL PARTY AFFILIATION.—Not more  
24               than 5 members of the Commission shall be from  
25               the same political party.

1           (2) NONGOVERNMENTAL APPOINTEES.—An in-  
2       dividual appointed to the Commission may not be an  
3       officer or employee of the Federal Government.

4           (3) OTHER QUALIFICATIONS.—At least four in-  
5       dividuals appointed to the Commission should in-  
6       clude family members who have direct experience  
7       dealing with the loss of a servicemember that in-  
8       volved interactions with the Dover Port Mortuary.  
9       At least three individuals should have extensive pri-  
10      vate or public sector experience in mortuary science,  
11      operations, procedures, and decorum.

12       (f) DURATION.—The Commission shall have a 5 year  
13      duration, beginning after the last member of the Commis-  
14      sion is appointed.

15       (g) MEETINGS AND REPORTS.—The Commission  
16      shall hold regular public meetings, notification of which  
17      shall appear in the Federal Register and on the Commis-  
18      sion's website. Not less than annually, the Commission  
19      shall provide a written report to the President, the Sec-  
20      retary of Defense, the Secretary of Veterans Affairs, and  
21      Congress on—

22           (1) recommendations for improving casualty no-  
23      tification, family support, and remains disposition;  
24      and

1           (2) progress, or lack thereof, by the Depart-  
2           ment of Defense and the Department of Veterans  
3           Affairs in acting upon prior recommendations of the  
4           Commission. Said report shall also be posted on the  
5           Commission's website for public inspection.

6           (h) INFORMATION FROM FEDERAL AGENCIES.—

7           (1) IN GENERAL.—The Commission is author-  
8           ized to secure directly from any executive depart-  
9           ment, bureau, agency, board, Commission, office,  
10          independent establishment, or instrumentality of the  
11          Government, information, suggestions, estimates,  
12          and statistics for the purposes of this title. Each de-  
13          partment, bureau, agency, board, Commission, of-  
14          fice, independent establishment, or instrumentality  
15          shall, to the extent authorized by law, furnish such  
16          information, suggestions, estimates, and statistics di-  
17          rectly to the Commission, upon request made by the  
18          chairman, the chairman of any subcommission cre-  
19          ated by a majority of the Commission, or any mem-  
20          ber designated by a majority of the Commission.

21          (2) RECEIPT, HANDLING, STORAGE, AND DIS-  
22          SEMINATION.—Information shall only be received,  
23          handled, stored, and disseminated by members of  
24          the Commission and its staff consistent with all ap-  
25          plicable statutes, regulations, and Executive orders.

1 (i) ASSISTANCE FROM FEDERAL AGENCIES.—

2 (1) GENERAL SERVICES ADMINISTRATION.—

3 The Administrator of General Services shall provide  
4 to the Commission on a reimbursable basis adminis-  
5 trative support and other services for the perform-  
6 ance of the Commission's functions.

7 (2) OTHER DEPARTMENTS AND AGENCIES.—In

8 addition to the assistance prescribed in paragraph  
9 (1), departments and agencies of the United States  
10 may provide to the Commission such services, funds,  
11 facilities, staff, and other support services as they  
12 may determine advisable and as may be authorized  
13 by law.

14 (j) STAFF OF COMMISSION.—

15 (1) APPOINTMENT AND COMPENSATION.—The

16 chairman, in consultation with vice chairman, in ac-  
17 cordance with rules agreed upon by the Commission,  
18 may appoint and fix the compensation of a staff di-  
19 rector and such other personnel as may be necessary  
20 to enable the Commission to carry out its functions,  
21 without regard to the provisions of title 5, United  
22 States Code, governing appointments in the competi-  
23 tive service, and without regard to the provisions of  
24 chapter 51 and subchapter III of chapter 53 of such  
25 title relating to classification and General Schedule

1 pay rates, except that no rate of pay fixed under this  
2 subsection may exceed the equivalent of that payable  
3 for a position at level V of the Executive Schedule  
4 under section 5316 of title 5, United States Code.

5 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

6 (A) IN GENERAL.—The executive director  
7 and any personnel of the Commission who are  
8 employees shall be employees under section  
9 2105 of title 5, United States Code, for pur-  
10 poses of chapters 63, 81, 83, 84, 85, 87, 89,  
11 and 90 of that title.

12 (B) MEMBERS OF COMMISSION.—Subpara-  
13 graph (A) shall not be construed to apply to  
14 members of the Commission.

15 (3) DETAILEES.—Any Federal Government em-  
16 ployee may be detailed to the Commission without  
17 reimbursement from the Commission, and such  
18 detailee shall retain the rights, status, and privileges  
19 of his or her regular employment without interrup-  
20 tion.

21 (4) CONSULTANT SERVICES.—The Commission  
22 is authorized to procure the services of experts and  
23 consultants in accordance with section 3109 of title  
24 5, United States Code, but at rates not to exceed the  
25 daily rate paid a person occupying a position at level

1 IV of the Executive Schedule under section 5315 of  
2 title 5, United States Code.

3 (k) COMPENSATION AND TRAVEL EXPENSES.—

4 (1) COMPENSATION.—Each member of the  
5 Commission may be compensated at not to exceed  
6 the daily equivalent of the annual rate of basic pay  
7 in effect for a position at level IV of the Executive  
8 Schedule under section 5315 of title 5, United  
9 States Code, for each day during which that member  
10 is engaged in the actual performance of the duties  
11 of the Commission.

12 (2) TRAVEL EXPENSES.—While away from  
13 their homes or regular places of business in the per-  
14 formance of services for the Commission, members  
15 of the Commission shall be allowed travel expenses,  
16 including per diem in lieu of subsistence, in the  
17 same manner as persons employed intermittently in  
18 the Government service are allowed expenses under  
19 section 5703(b) of title 5, United States Code.

20 **SEC. 1070A. REPORT ON MANUFACTURING INDUSTRY.**

21 Not later than 180 days after the date of the enact-  
22 ment of this Act, the Secretary of Defense shall submit  
23 to Congress a report assessing the manufacturing industry  
24 of the United States. The report shall include, at a min-  
25 imum, the following:



1           (1) An assessment of the current manufac-  
2           turing capacity of the United States as it relates to  
3           the ability of the United States to respond to both  
4           civilian and defense needs.

5           (2) An assessment of the tax, trade, and regu-  
6           latory policies of the United States as such policies  
7           impact the growth of the manufacturing industry in  
8           the United States.

9           (3) An analysis of the factors leading to the in-  
10          creased outsourcing of manufacturing processes to  
11          foreign nations.

12          (4) An analysis of the strength of the United  
13          States defense industrial base, including the security  
14          and stability of the supply chain and an assessment  
15          of the vulnerabilities of that supply chain.

16 **SEC. 1070B. REPORT ON LONG-TERM COSTS OF OPERATION**  
17 **NEW DAWN, OPERATION ENDURING FREE-**  
18 **DOM, AND OTHER CONTINGENCY OPER-**  
19 **ATIONS.**

20          (a) REPORT REQUIREMENT.—Not later than 90 days  
21 after the date of the enactment of this Act, the President,  
22 with contributions from the Secretary of Defense, the Sec-  
23 retary of State, and the Secretary of Veterans Affairs,  
24 shall submit to Congress a report containing an estimate

1 of the long-term costs of Operation New Dawn and Oper-  
2 ation Enduring Freedom for each the following scenarios:

3 (1) The scenario in which the number of mem-  
4 bers of the Armed Forces deployed in support of Op-  
5 eration Enduring Freedom is reduced from roughly  
6 90,000 in 2012 to 67,000 in 2013, and 50,000 by  
7 the beginning of 2014, and remains at 50,000  
8 through 2020.

9 (2) The scenario in which the number of mem-  
10 bers of the Armed Forces deployed in support of Op-  
11 eration Enduring Freedom is reduced from roughly  
12 90,000 in 2012 to 60,000 in 2013, and 30,000 by  
13 the beginning of 2014, and remains at 30,000  
14 through 2020.

15 (3) An alternative scenario, determined by the  
16 President and based on current contingency oper-  
17 ation and withdrawal plans, which takes into ac-  
18 count expected force levels and the expected length  
19 of time that members of the Armed Forces will be  
20 deployed in support of Operation Enduring Free-  
21 dom.

22 (b) ESTIMATES TO BE USED IN PREPARATION OF  
23 REPORT.—In preparing the report required by subsection  
24 (b), the President shall make estimates and projections  
25 through at least fiscal year 2020, adjust any dollar

1 amounts appropriately for inflation, and take into account  
2 and specify each of the following:

3 (1) The total number of members of the Armed  
4 Forces expected to be deployed in support of Oper-  
5 ation Enduring Freedom, and Operation Odyssey  
6 Dawn, including—

7 (A) the number of members of the Armed  
8 Forces actually deployed in Southwest Asia in  
9 support of Operation New Dawn, Operation  
10 Enduring Freedom, and Operation Odyssey  
11 Dawn;

12 (B) the number of members of reserve  
13 components of the Armed Forces called or or-  
14 dered to active duty in the United States for  
15 the purpose of training for eventual deployment  
16 in Southwest Asia, backfilling for deployed  
17 troops, or supporting other Department of De-  
18 fense missions directly or indirectly related to  
19 Operation New Dawn, Operation Enduring  
20 Freedom, and Operation Odyssey Dawn; and

21 (C) the break-down of deployments of  
22 members of the regular and reserve components  
23 and activation of members of the reserve com-  
24 ponents.

1           (2) The number of members of the Armed  
2           Forces, including members of the reserve compo-  
3           nents, who have previously served in support of Op-  
4           eration Iraqi Freedom, Operation New Dawn, Oper-  
5           ation Enduring Freedom, and Operation Odyssey  
6           Dawn and who are expected to serve multiple de-  
7           ployments.

8           (3) The number of contractors and private mili-  
9           tary security firms that have been used and are ex-  
10          pected to be used during the course of Operation  
11          Iraqi Freedom, Operation New Dawn, Operation  
12          Enduring Freedom, and Operation Odyssey Dawn.

13          (4) The number of veterans currently suffering  
14          and expected to suffer from post-traumatic stress  
15          disorder, traumatic brain injury, or other mental in-  
16          juries.

17          (5) The number of veterans currently in need of  
18          and expected to be in need of prosthetic care and  
19          treatment because of amputations incurred during  
20          service in support of Operation Iraqi Freedom, Op-  
21          eration New Dawn, and Operation Enduring Free-  
22          dom.

23          (6) The current number of pending Department  
24          of Veterans Affairs claims from veterans of military  
25          service in Iraq, Afghanistan, and Libya, and the

1 total number of such veterans expected to seek dis-  
2 ability compensation from the Department of Vet-  
3 erans Affairs.

4 (7) The total number of members of the Armed  
5 Forces who have been killed or wounded in Iraq, Af-  
6 ghanistan, or Libya, including noncombat casualties,  
7 the total number of members expected to suffer inju-  
8 ries in Iraq, Afghanistan, and Libya, and the total  
9 number of members expected to be killed in Iraq,  
10 Afghanistan, and Libya, including noncombat cas-  
11 ualties.

12 (8) The amount of funds previously appro-  
13 priated for the Department of Defense, the Depart-  
14 ment of State, and the Department of Veterans Af-  
15 fairs for costs related to Operation Iraqi Freedom,  
16 Operation New Dawn, and Operation Enduring  
17 Freedom, including an account of the amount of  
18 funding from regular Department of Defense, De-  
19 partment of State, and Department of Veterans Af-  
20 fairs budgets that has gone and will go to costs asso-  
21 ciated with such operations.

22 (9) Current and future operational expenditures  
23 associated with Operation New Dawn, Operation  
24 Enduring Freedom, and Operation Odyssey Dawn  
25 including—

1 (A) funding for combat operations;

2 (B) deploying, transporting, feeding, and  
3 housing members of the Armed Forces (includ-  
4 ing fuel costs);

5 (C) activation and deployment of members  
6 of the reserve components of the Armed Forces;

7 (D) equipping and training of Iraqi and  
8 Afghani forces;

9 (E) purchasing, upgrading, and repairing  
10 weapons, munitions, and other equipment con-  
11 sumed or used in Operation Iraqi Freedom, Op-  
12 eration New Dawn, Operation Enduring Free-  
13 dom, and Operation Odyssey Dawn; and

14 (F) payments to other countries for  
15 logistical assistance in support of such oper-  
16 ations.

17 (10) Past, current, and future costs of entering  
18 into contracts with private military security firms  
19 and other contractors for the provision of goods and  
20 services associated with Operation Iraqi Freedom,  
21 Operation New Dawn, Operation Enduring Free-  
22 dom, and Operation Odyssey Dawn.

23 (11) Average annual cost for each member of  
24 the Armed Forces deployed in support of Operation  
25 Iraqi Freedom, Operation New Dawn, Operation

1       Enduring Freedom, and Operation Odyssey Dawn,  
2       including room and board, equipment and body  
3       armor, transportation of troops and equipment (in-  
4       cluding fuel costs), and operational costs.

5               (12) Current and future cost of combat-related  
6       special pays and benefits, including reenlistment bo-  
7       nuses.

8               (13) Current and future cost of calling or or-  
9       dering members of the reserve components to active  
10      duty in support of Operation New Dawn, Operation  
11      Enduring Freedom, and Operation Odyssey Dawn.

12              (14) Current and future cost for reconstruction,  
13      embassy operations and construction, and foreign  
14      aid programs for Iraq and Afghanistan.

15              (15) Current and future cost of bases and other  
16      infrastructure to support members of the Armed  
17      Forces serving in Iraq and Afghanistan.

18              (16) Current and future cost of providing  
19      health care for veterans who served in support of  
20      Operation Iraqi Freedom, Operation New Dawn,  
21      Operation Enduring Freedom, and Operation Odys-  
22      sey Dawn—

23                      (A) the cost of mental health treatment for  
24      veterans suffering from post-traumatic stress

1 disorder and traumatic brain injury, and other  
2 mental problems as a result of such service; and

3 (B) the cost of lifetime prosthetics care  
4 and treatment for veterans suffering from am-  
5 putations as a result of such service.

6 (17) Current and future cost of providing De-  
7 partment of Veterans Affairs disability benefits for  
8 the lifetime of veterans who incur disabilities while  
9 serving in support of Operation Iraqi Freedom, Op-  
10 eration New Dawn, Operation Enduring Freedom,  
11 or Operation Odyssey Dawn.

12 (18) Current and future cost of providing sur-  
13 vivors' benefits to survivors of members of the  
14 Armed Forces killed while serving in support of Op-  
15 eration Iraqi Freedom, Operation New Dawn, Oper-  
16 ation Enduring Freedom, or Operation Odyssey  
17 Dawn.

18 (19) Cost of bringing members of the Armed  
19 Forces and equipment back to the United States  
20 upon the conclusion of Operation New Dawn, Oper-  
21 ation Enduring Freedom, or Operation Odyssey  
22 Dawn, including the cost of demobilization, trans-  
23 portation costs (including fuel costs), providing tran-  
24 sition services for members of the Armed Forces  
25 transitioning from active duty to veteran status,



1       transporting equipment, weapons, and munitions  
2       (including fuel costs), and an estimate of the value  
3       of equipment that will be left behind.

4           (20) Cost to restore the military and military  
5       equipment, including the equipment of the reserve  
6       components, to full strength after the conclusion of  
7       Operation New Dawn or Operation Enduring Free-  
8       dom.

9           (21) Amount of money borrowed to pay for Op-  
10      eration Iraqi Freedom, Operation New Dawn, Oper-  
11      ation Enduring Freedom, or Operation Odyssey  
12      Dawn, and the sources of that money.

13          (22) Interest on money borrowed, including in-  
14      terest for money already borrowed and anticipated  
15      interest payments on future borrowing, for Oper-  
16      ation Iraqi Freedom, Operation New Dawn, Oper-  
17      ation Enduring Freedom, or Operation Odyssey  
18      Dawn.

## **Subtitle G—Miscellaneous Authorities and Limitations**

**SEC. 1071. RULE OF CONSTRUCTION RELATING TO PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.**

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4363) is amended—

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

(2) in paragraph (2), by striking “others.” and inserting “others; or”; and

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

“(3) authorize a mental health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such mental health professional or such commanding officer has reasonable grounds to

1 believe such member is at high risk for suicide or  
2 causing harm to others.”.

3 **SEC. 1072. EXPANSION OF AUTHORITY OF THE SECRETARY**  
4 **OF THE ARMY TO LOAN OR DONATE EXCESS**  
5 **SMALL ARMS FOR FUNERAL AND OTHER CER-**  
6 **EMONIAL PURPOSES.**

7 Section 4683(a) of title 10, United States Code, is  
8 amended by adding at the end the following new para-  
9 graph:

10 “(3)(A) In order to meet the needs of an eligi-  
11 ble organization with respect to performing funeral  
12 and other ceremonies, if the Secretary determines  
13 appropriate, the Secretary may—

14 “(i) loan or donate excess small arms to an  
15 eligible organization;

16 “(ii) authorize an eligible organization to  
17 retain small arms other than M–1 rifles; or

18 “(iii) if excess small arms stock is insuffi-  
19 cient to meet organizational requirements, pre-  
20 scribe policies and procedures to establish a ro-  
21 tational loan program based on the needs of eli-  
22 gible organizations.

23 “(B) Nothing in this paragraph shall be con-  
24 strued to supersede any Federal law or regulation  
25 governing the use or ownership of firearms.

1           “(C) The Secretary may not delegate the au-  
2           thority under this paragraph.”.

3   **SEC. 1073. PROHIBITION ON THE USE OF FUNDS FOR MAN-**  
4                   **UFACTURING BEYOND LOW-RATE INITIAL**  
5                   **PRODUCTION AT CERTAIN PROTOTYPE INTE-**  
6                   **GRATION FACILITIES.**

7           (a) PROHIBITION.—None of the funds authorized to  
8           be appropriated by this Act may be used for manufac-  
9           turing production beyond the greater of low-rate initial  
10          production or 1000 units at a prototype integration facil-  
11          ity of any of the following components of the Army Re-  
12          search, Development, and Engineering Command:

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

15               (2) The Aviation and Missile Research, Devel-  
16               opment, and Engineering Center.

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

19               (4) The Tank Automotive Research, Develop-  
20               ment, and Engineering Center.

21          (b) WAIVER.—The Assistant Secretary of the Army  
22          for Acquisition, Logistics, and Technology may waive the  
23          prohibition under subsection (a) for a fiscal year if—

24               (1) the Assistant Secretary determines that the  
25               waiver is necessary—

1 (A) for reasons of national security; or

2 (B) to rapidly acquire equipment to re-  
3 spond to combat emergencies; and

4 (2) the Assistant Secretary submits to Congress  
5 a notification of the waiver together with the reasons  
6 for the waiver.

7 (c) LOW-RATE INITIAL PRODUCTION.—For purposes  
8 of this section, the term “low-rate initial production” shall  
9 be determined in accordance with section 2400 of title 10,  
10 United States Code.

11 **SEC. 1074. INTERAGENCY COLLABORATION ON UNMANNED**  
12 **AIRCRAFT SYSTEMS.**

13 (a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE-  
14 FEDERAL AVIATION ADMINISTRATION EXECUTIVE COM-  
15 MITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Sec-  
16 tion 1036(a) of the Duncan Hunter National Defense Au-  
17 thorization Act for Fiscal Year 2009 (Public Law 110-  
18 417; 122 Stat. 4596) is amended by adding at the end  
19 the following new paragraph:

20 “(9) Collaboration of scientific and technical  
21 personnel and sharing resources from the Depart-  
22 ment of Defense, Federal Aviation Administration,  
23 and National Aeronautics and Space Administration  
24 can advance an enduring relationship of research ca-  
25 pability to advance the access of unmanned aircraft

1 systems of the Department of Defense to the Na-  
2 tional Airspace System.”.

3 (b) INTERAGENCY COLLABORATION.—

4 (1) IN GENERAL.—The Secretary of Defense  
5 shall collaborate with the Administrator of the Fed-  
6 eral Aviation Administration and the Administrator  
7 of the National Aeronautics and Space Administra-  
8 tion to conduct research and seek solutions to chal-  
9 lenges associated with the safe integration of un-  
10 manned aircraft systems into the National Airspace  
11 System in accordance with subtitle B of title III of  
12 the FAA Modernization and Reform Act of 2012  
13 (Public Law 112–95; 126 Stat. 72).

14 (2) ACTIVITIES IN SUPPORT OF PLAN ON AC-  
15 CESS TO NATIONAL AIRSPACE FOR UNMANNED AIR-  
16 CRAFT SYSTEMS.—Collaboration under paragraph  
17 (1) may include research and development of sci-  
18 entific and technical issues, equipment, and tech-  
19 nology in support of the plan to safely accelerate the  
20 integration of unmanned aircraft systems as re-  
21 quired by subtitle B of title III of the FAA Mod-  
22 ernization and Reform Act of 2012 (Public Law  
23 112–95; 126 Stat. 72).

24 (3) NONDUPLICATIVE EFFORTS.—If the Sec-  
25 retary of Defense determines it is in the interest of

1 the Department of Defense, the Secretary may use  
2 existing aerospace-related laboratories, personnel,  
3 equipment research radars, and ground facilities of  
4 the Department of Defense to avoid the duplication  
5 of efforts in carrying out collaboration under para-  
6 graph (1).

7 (4) REPORTS.—

8 (A) REQUIREMENT.—The Secretary of De-  
9 fense, on behalf of the UAS Executive Com-  
10 mittee, shall annually submit to the congres-  
11 sional defense committees, the Committee on  
12 Transportation and Infrastructure and the  
13 Committee on Science, Space, and Technology  
14 of the House of Representatives, and the Com-  
15 mittee on Commerce, Science, and Transpor-  
16 tation of the Senate a report on the progress of  
17 collaborative research activity, including—

18 (i) the progress on accomplishing the  
19 goals of the unmanned aircraft systems re-  
20 search, development, and demonstration  
21 roadmap of the Next Generation Air  
22 Transportation System Joint Planning and  
23 Development Office of the Federal Avia-  
24 tion Administration; and

1 (ii) estimates of long-term funding  
2 needs.

3 (B) TERMINATION.—The requirement to  
4 submit a report under subparagraph (A) shall  
5 terminate on the date that is five years after  
6 the date of the enactment of this Act.

7 (c) UAS EXECUTIVE COMMITTEE DEFINED.—In this  
8 section, the term “UAS Executive Committee” means the  
9 Department of Defense–Federal Aviation Administration  
10 executive committee described in section 1036(b) of the  
11 Duncan Hunter National Defense Authorization Act for  
12 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596)  
13 established by the Secretary of Defense and the Adminis-  
14 trator of the Federal Aviation Administration.

15 **SEC. 1075. AUTHORITY TO TRANSFER SURPLUS MINE-RE-**  
16 **SISTANT AMBUSH-PROTECTED VEHICLES**  
17 **AND SPARE PARTS.**

18 (a) AUTHORITY.—The Secretary of Defense is au-  
19 thorized to transfer surplus Mine-Resistant Ambush-Pro-  
20 tected vehicles, including spare parts for such vehicles, to  
21 non-profit United States humanitarian demining organiza-  
22 tions for purposes of demining activities and training of  
23 such organizations.



1 (b) TERMS AND CONDITIONS.—Any transfer of vehi-  
2 cles or spare parts under subsection (a) shall be subject  
3 to the following terms and conditions:

4 (1) The transfer shall be made on a loan basis.

5 (2) The costs of operation and maintenance of  
6 the vehicles shall be borne by the recipient organiza-  
7 tion.

8 (3) Any other terms and conditions as the Sec-  
9 retary of Defense determines to be appropriate.

10 (c) NOTIFICATION.—The Secretary of Defense shall  
11 notify the congressional defense committees in writing not  
12 less than 60 days before making any transfer of vehicles  
13 or spare parts under subsection (a). Such notification shall  
14 include the name of the organization, the number and  
15 model of the vehicle to be transferred, a listing of any  
16 spare parts to be transferred, and any other information  
17 the Secretary considers appropriate.

18 **SEC. 1076. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
19 **RETIREMENT OF AIRCRAFT.**

20 (a) IN GENERAL.—Except as provided by section  
21 135, none of the funds authorized to be appropriated by  
22 this Act or otherwise made available for fiscal year 2013  
23 for the Army or the Air Force may be used during fiscal  
24 year 2013 to divest, retire, or transfer, or prepare to di-  
25 vest, retire, or transfer, any—

1           (1) C-23 aircraft of the Army assigned to the  
2       Army as of May 31, 2012; or

3           (2) aircraft of the Air Force assigned to the Air  
4       Force as of May 31, 2012.

5       (b) WAIVER.—The Secretary of Defense may waive  
6       the limitation in subsection (a) if—

7           (1) the Secretary submits to the congressional  
8       defense committees written certification that such a  
9       waiver is necessary to meet an emergency national  
10      security requirement; and

11          (2) a period of 15 days has elapsed following  
12      the date on which such certification is submitted.

13      (c) REPORT.—

14          (1) IN GENERAL.—Not later than March 1,  
15      2013, the Secretary of Defense shall submit to the  
16      congressional defense committees a report by the  
17      Chief of the National Guard Bureau, the Chief of  
18      Staff of the Air Force, and the Chief of Staff of the  
19      Army and approved by the Secretary of Defense that  
20      specifies, with respect to all aircraft proposed to be  
21      retired during fiscal years 2013 through 2017—

22              (A) the economic analysis used to make  
23              each realignment decision with respect to such  
24              aircraft of the National Guard and Air Force  
25              Reserve;

1 (B) alternative options considered for each  
2 such realignment decision, including an analysis  
3 of such options;

4 (C) the effect of each such realignment de-  
5 cision on—

6 (i) the current personnel at the loca-  
7 tion; and

8 (ii) the missions and capabilities of  
9 the Army; and

10 (D) the plans for each location that is  
11 being realigned, including the analysis used for  
12 such plans.

13 (2) GAO ANALYSIS.—The Comptroller General  
14 of the United States shall carry out the following:

15 (A) An economic analysis of the realign-  
16 ment decisions made by the Secretary of De-  
17 fense with respect to the aircraft of the Na-  
18 tional Guard and Air Force Reserve described  
19 in paragraph (1)(A).

20 (B) An analysis of the alternative options  
21 considered for each such realignment decision.

22 (C) An analysis of the effect of each such  
23 realignment decision on—

24 (i) the current personnel at the loca-  
25 tion; and

1 (ii) the missions and capabilities of  
2 the Army; and

3 (D) An analysis of the plans described in  
4 paragraph (1)(D).

5 (3) COOPERATION.—The Secretary of Defense  
6 shall provide the Comptroller General with relevant  
7 data and cooperation to carry out the analyses under  
8 paragraph (2).

9 (4) SUBMITTAL.—Not later than 90 days after  
10 the date on which the Secretary submits the report  
11 under paragraph (1), the Comptroller General shall  
12 submit to the congressional defense committees a re-  
13 port containing the analyses conducted under para-  
14 graph (2).

15 **SEC. 1077. PROHIBITION ON DEPARTMENT OF DEFENSE**  
16 **USE OF NONDISCLOSURE AGREEMENTS TO**  
17 **PREVENT MEMBERS OF THE ARMED FORCES**  
18 **AND CIVILIAN EMPLOYEES OF THE DEPART-**  
19 **MENT FROM COMMUNICATING WITH MEM-**  
20 **BERS OF CONGRESS.**

21 (a) INCLUSION OF CIVILIAN EMPLOYEES IN CUR-  
22 RENT PROHIBITION ON RESTRICTING COMMUNICATION.—  
23 Paragraph (1) of subsection (a) of section 1034 of title  
24 10, United States Code, is amended by inserting “or civil-

1   ian employee of the Department of Defense” after “mem-  
2   ber of the armed forces”.

3       (b) PROHIBITION ON USING NONDISCLOSURE  
4 AGREEMENTS TO RESTRICT COMMUNICATION.—Such  
5 subsection is further amended—

6           (1) by redesignating paragraph (2) as para-  
7       graph (3); and

8           (2) by inserting after paragraph (1) the fol-  
9       lowing new paragraph:

10       “(2)(A) The prohibition imposed by paragraph (1)  
11 precludes the use of a nondisclosure agreement with a  
12 member of the armed forces or a civilian employee of the  
13 Department of Defense to restrict the member or em-  
14 ployee in communicating with a Member of Congress or  
15 an Inspector General.

16       “(B) Subparagraph (A) does not prevent the use of  
17 nondisclosure agreements to prevent the disclosure of—

18           “(i) deliberations regarding the closure or re-  
19       alignment of a military installation under a base clo-  
20       sure law;

21           “(ii) commercial proprietary information; and

22           “(iii) classified information the level of which  
23       exceeds the clearance held by the requestor.”.

1 **SEC. 1078. AUTHORITY FOR CORPS OF ENGINEERS TO CON-**  
2 **STRUCT PROJECTS CRITICAL TO NAVIGA-**  
3 **TION SAFETY.**

4 The Secretary of the Army, acting through the Chief  
5 of Engineers, may accept non-Federal funds and use such  
6 funds to construct a navigation project that has not been  
7 specifically authorized by law if—

8 (1) the Secretary has received a completed  
9 Chief of Engineers' report for the project;

10 (2) the project is fully funded by non-Federal  
11 sources using non-Federal funds; and

12 (3) the Secretary finds that the improvements  
13 to be made by the project are critical to navigation  
14 safety.

15 **SEC. 1079. REVIEW OF AIR NATIONAL GUARD COMPONENT**  
16 **NUMBERED AIR FORCE AUGMENTATION**  
17 **FORCE.**

18 (a) REVIEW.—

19 (1) IN GENERAL.—The Secretary of the Air  
20 Force shall conduct a review of the decision of the  
21 Secretary to cancel or consolidate the Air National  
22 Guard Component Numbered Air Force Augmenta-  
23 tion Force.

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

1           (A) An explanation of how the Secretary  
2           determined which Air National Guard Aug-  
3           mentation Units would be retired or relocated  
4           during fiscal year 2013.

5           (B) A description of the methodologies un-  
6           derlying such determinations, including the fac-  
7           tors and assumptions that shaped the specific  
8           determinations.

9           (C) The rationale for selecting Augmenta-  
10          tion Units to be retired or relocated with re-  
11          spect to such Units of the Air National Guard.

12          (D) An explanation of how such consolida-  
13          tion or relocation affects national security.

14          (E) Details of the costs incurred, avoided,  
15          or saved with respect to consolidation or reloca-  
16          tion of Augmentation Units.

17       (b) REPORT.—Not later than 90 days after the date  
18       of the enactment of this Act, the Secretary shall submit  
19       to the congressional defense committees a report on the  
20       review conducted under subsection (a)(1).

21       (c) COMPTROLLER GENERAL REVIEW.—Not later  
22       than 60 days after the date on which the report is sub-  
23       mitted under subsection (b), the Comptroller General of  
24       the United States shall submit to the congressional de-  
25       fense committees a review of such report.

1                   **Subtitle H—Other Matters**

2   **SEC. 1081. BIPARTISAN INDEPENDENT STRATEGIC REVIEW**

3                   **PANEL.**

4           (a) BIPARTISAN INDEPENDENT STRATEGIC REVIEW

5   PANEL.—

6                   (1) ESTABLISHMENT.—Chapter 2 of title 10,  
7           United States Code, is amended by adding at the  
8           end the following new section:

9   **“§ 119b. Bipartisan independent strategic review**  
10                   **panel**

11           “(a) ESTABLISHMENT.—There is established a bipar-  
12   tisan independent strategic review panel (in this section  
13   referred to as the ‘Panel’) to conduct a regular review of  
14   the national defense strategic environment of the United  
15   States and to conduct an independent assessment of the  
16   quadrennial defense review required under section 118.

17           “(b) MEMBERSHIP.—

18                   “(1) APPOINTMENT.—The Panel shall be com-  
19   posed of 12 members from civilian life with a recog-  
20   nized expertise in national security matters who  
21   shall be appointed as follows:

22                           “(A) Four members shall be appointed by  
23                   the Secretary of Defense, of whom not more  
24                   than three members shall be of the same polit-  
25                   ical party.



1           “(B) Two members shall be appointed by  
2           the chair of the Committee on Armed Services  
3           of the House of Representatives.

4           “(C) Two members shall be appointed by  
5           the chair of the Committee on Armed Services  
6           of the Senate.

7           “(D) Two members shall be appointed by  
8           the ranking minority member of the Committee  
9           on Armed Services of the House of Representa-  
10          tives.

11          “(E) Two members shall be appointed by  
12          the ranking minority member of the Committee  
13          on Armed Services of the Senate.

14          “(2) INITIAL MEMBERS: APPOINTMENT DATE  
15          AND TERM OF SERVICE.—

16               “(A) APPOINTMENT DATE.—The initial  
17               members of the Panel shall be appointed under  
18               paragraph (1) not later than January 30, 2013.

19               “(B) TERMS.—

20                   “(i) The Secretary of Defense shall  
21                   designate two initial members of the Panel  
22                   appointed under paragraph (1)(A) to serve  
23                   terms that expire on December 31, 2013,  
24                   and two such initial members to serve  
25                   terms that expire on December 31, 2014.

1           “(ii) The chair of the Committee on  
2           Armed Services of the House of Represent-  
3           atives shall designate one initial member of  
4           the Panel appointed under paragraph  
5           (1)(B) to serve a term that expires on De-  
6           cember 31, 2013, and one such initial  
7           member to serve a term that expires on  
8           December 31, 2014.

9           “(iii) The chair of the Committee on  
10          Armed Services of the Senate shall des-  
11          ignate one initial member of the Panel ap-  
12          pointed under paragraph (1)(C) to serve a  
13          term that expires on December 31, 2013,  
14          and one such initial member to serve a  
15          term that expires on December 31, 2014.

16          “(iv) The ranking minority member of  
17          the Committee on Armed Services of the  
18          House of Representatives shall designate  
19          one initial member of the Panel appointed  
20          under paragraph (1)(D) to serve a term  
21          that expires on December 31, 2013, and  
22          one such initial member to serve a term  
23          that expires on December 31, 2014.

24          “(v) The ranking minority member of  
25          the Committee on Armed Services of the

1 Senate shall designate one initial member  
2 of the Panel appointed under paragraph  
3 (1)(E) to serve a term that expires on De-  
4 cember 31, 2013, and one such initial  
5 member to serve a term that expires on  
6 December 31, 2014.

7 “(3) CHAIRS.—The Secretary of Defense shall  
8 designate two members appointed pursuant to para-  
9 graph (1)(A) that are not of the same political party  
10 to serve as the Chairs of the Panel.

11 “(4) VACANCIES.—

12 “(A) A vacancy in the Panel shall be filled  
13 in the same manner as the original appointment  
14 and not later than 30 days after the date on  
15 which the vacancy begins.

16 “(B) A member of the Panel appointed to  
17 fill a vacancy shall be appointed for a term that  
18 expires—

19 “(i) in the case of an appointment to  
20 fill a vacancy resulting from a person not  
21 serving the entire term for which such per-  
22 son was appointed, at the end of the re-  
23 mainder of such term; and

24 “(ii) in the case of an appointment to  
25 fill a vacancy resulting from the expiration

1 of the term of a member of the panel, two  
2 years after the date on which the term of  
3 such member expired.

4 “(5) REAPPOINTMENT.—Members of the Panel  
5 may be reappointed to the Panel for additional  
6 terms of service.

7 “(6) PAY.—The members of the Panel shall  
8 serve without pay

9 “(7) TRAVEL EXPENSES.—Each member of the  
10 Panel shall receive travel expenses, including per  
11 diem in lieu of subsistence, in accordance with appli-  
12 cable provisions under subchapter I of chapter 57 of  
13 title 5, United States Code.

14 “(c) DUTIES.—

15 “(1) REVIEW OF NATIONAL DEFENSE STRA-  
16 TEGIC ENVIRONMENT.—The Panel shall every four  
17 years, during a year following a year evenly divisible  
18 by four, review the national defense strategic envi-  
19 ronment of the United States. Such review shall in-  
20 clude a review and assessment of—

21 “(A) the national defense environment, in-  
22 cluding challenges and opportunities;

23 “(B) the national defense strategy and pol-  
24 icy;

1           “(C) the national defense roles, missions,  
2           and organizations;

3           “(D) the risks to the national defense of  
4           the United States and how such risks affect  
5           challenges and opportunities to national de-  
6           fense; and

7           “(2) ADDITIONAL REVIEWS.—The Panel may  
8           conduct additional reviews under paragraph (1) as  
9           requested by Congress or the Secretary of Defense,  
10          or when the Panel determines a significant change  
11          in the national defense environment has occurred  
12          that would warrant new recommendations from the  
13          Panel.

14          “(3) ASSESSMENT OF QUADRENNIAL DEFENSE  
15          REVIEW.—The Panel shall conduct an assessment of  
16          each quadrennial defense review required to be con-  
17          ducted under section 118. Each assessment shall in-  
18          clude—

19                 “(A) a review of the Secretary of Defense’s  
20                 terms of reference, and any other materials pro-  
21                 viding the basis for, or substantial inputs to,  
22                 the work of the Department of Defense on such  
23                 quadrennial defense review;

24                 “(B) an assessment of the assumptions,  
25                 strategy, findings, and risks in the report of the

1 Secretary of Defense on such quadrennial de-  
2 fense review required under section 118(d),  
3 with particular attention paid to the risks de-  
4 scribed in such a report;

5 “(C) an independent assessment of a vari-  
6 ety of possible force structures for the armed  
7 forces, including the force structure identified  
8 in the report required under section 118(d);  
9 and

10 “(D) a review of the resource requirements  
11 identified in such quadrennial defense review  
12 pursuant to section 118(b)(3) and, to the extent  
13 practicable, a general comparison of such re-  
14 source requirements with the resource require-  
15 ments to support the forces contemplated under  
16 the force structures assessed under subpara-  
17 graph (C).

18 “(d) ADMINISTRATIVE PROVISIONS.—

19 “(1) STAFF.—

20 “(A) IN GENERAL.—The Chairs of the  
21 Panel may, without regard to the civil service  
22 laws and regulations, appoint and terminate an  
23 executive director and not more than 11 addi-  
24 tional personnel, as may be necessary to enable  
25 the Panel to perform the duties of the Panel.

1           “(B) COMPENSATION.—The Chairs of the  
2           Panel may fix the compensation of the executive  
3           director and other personnel without regard to  
4           the provisions of chapter 51 and subchapter III  
5           of chapter 53 of title 5, United States Code, re-  
6           lating to the classification of positions and Gen-  
7           eral Schedule pay rates, except that the rate of  
8           pay for the executive director and other per-  
9           sonnel may not exceed the rate payable for level  
10          V of the Executive Schedule under section 5316  
11          of such title.

12          “(2) DETAIL OF GOVERNMENT EMPLOYEES.—  
13          Any Federal Government employee may be detailed  
14          to the Panel without reimbursement, and such detail  
15          shall be without interruption or loss of civil service  
16          status or privilege.

17          “(3) PROCUREMENT OF TEMPORARY AND  
18          INTERMITTENT SERVICES.—The Chairs of the Panel  
19          may procure temporary and intermittent services  
20          under section 3109(b) of title 5, United States Code,  
21          at rates for individuals that do not exceed the daily  
22          equivalent of the annual rate of basic pay for level  
23          V of the Executive Schedule under section 5316 of  
24          such title.

1           “(4) PROVISION OF INFORMATION.—The Panel  
2           may request directly from the Department of De-  
3           fense and any of its components such information as  
4           the Panel considers necessary to carry out its duties  
5           under this section. The head of the department or  
6           agency concerned shall cooperate with the Panel to  
7           ensure that information requested by the Panel  
8           under this paragraph is promptly provided to the  
9           maximum extent practical.

10           “(5) USE OF CERTAIN DEPARTMENT OF DE-  
11           FENSE RESOURCES.—Upon the request of the  
12           Chairs of the Panel, the Secretary of Defense shall  
13           make available to the Panel the services of any fed-  
14           erally-funded research and development center that  
15           is covered by a sponsoring agreement of the Depart-  
16           ment of Defense.

17           “(6) FUNDING.—Funds for activities of the  
18           Panel shall be provided from amounts available to  
19           the Department of Defense.

20           “(e) REPORTS.—

21           “(1) REVIEW OF NATIONAL DEFENSE STRA-  
22           TEGIC ENVIRONMENT.—Not later than June 30 of a  
23           year following a year evenly divisible by four, the  
24           Panel shall submit to the congressional defense com-  
25           mittees, the Secretary of Defense, and the National



1 Security Council a report containing the results of  
2 the review conducted under subsection (c)(1) and  
3 any recommendations or other matters that the  
4 Panel considers appropriate.

5 “(2) ASSESSMENT OF QUADRENNIAL DEFENSE  
6 REVIEW.—Not later than 90 days after the date on  
7 which a report on a quadrennial defense review is  
8 submitted to Congress under section 118(d), the  
9 Panel shall submit to the congressional defense com-  
10 mittees and the Secretary of Defense a report con-  
11 taining the results of the assessment conducted  
12 under subsection (c)(3) and any recommendations or  
13 other matters that the Panel considers appro-  
14 priate.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
16 tions at the beginning of chapter 2 of title 10,  
17 United States Code, is amended by adding at the  
18 end the following new item:

“119b. Bipartisan independent strategic review panel.”.

19 (b) UPDATES FROM SECRETARY OF DEFENSE ON  
20 PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Sec-  
21 tion 118(f) of title 10, United States Code, is amended  
22 to read as follows:

23 “(f) UPDATES TO BIPARTISAN INDEPENDENT STRA-  
24 TEGIC REVIEW PANEL.—The Secretary of Defense shall  
25 ensure that periodically, but not less often than every 60

1 days, or at the request of the Chairs of the bipartisan  
2 independent strategic review panel established under sec-  
3 tion 119b(a), the Department of Defense briefs such panel  
4 on the progress of the conduct of a quadrennial defense  
5 review under subsection (a).”.

6 (c) BIPARTISAN INDEPENDENT STRATEGIC REVIEW  
7 OF THE UNITED STATES ARMY.—

8 (1) REVIEW REQUIRED.—Not later than 30  
9 days after the date on which all initial members of  
10 the bipartisan independent strategic review panel are  
11 appointed under section 119b(b) of title 10, United  
12 States Code, as added by subsection (a)(1) of this  
13 section, the Panel shall begin a review of the future  
14 of the Army.

15 (2) ELEMENTS OF REVIEW.—The review re-  
16 quired under paragraph (1) shall include a review  
17 and assessment of—

18 (A) the validity and utility of the scenarios  
19 and planning assumptions the Army used to de-  
20 velop the current force structure of the Army;

21 (B) such force structure and an evaluation  
22 of the adequacy of such force structure for  
23 meeting the goals of the national military strat-  
24 egy of the United States;

1 (C) the size and structure of elements of  
2 the Army, in particular United States Army  
3 Training and Doctrine Command, United  
4 States Army Materiel Command, and corps and  
5 higher headquarters elements;

6 (D) potential alternative force structures of  
7 the Army; and

8 (E) the resource requirements of each of  
9 the alternative force structures analyzed by the  
10 Panel.

11 (3) REPORT.—

12 (A) PANEL REPORT.—Not later than one  
13 year after the date on which the Panel begins  
14 the review required under paragraph (1), the  
15 Panel shall submit to the congressional defense  
16 committees and the Secretary of Defense a re-  
17 port containing the findings and recommenda-  
18 tions of the Panel, including any recommenda-  
19 tions concerning changes to the planned size  
20 and composition of the Army.

21 (B) ADDITIONAL VIEWS.—The report re-  
22 quired under subparagraph (A) shall include  
23 any additional or dissenting views of a member  
24 of the Panel that such member considers appro-  
25 priate to include in such report.

1 (4) DEFINITIONS.—In this section:

2 (A) ARMY.—The term “Army” includes  
3 the reserve components of the Army.

4 (B) BIPARTISAN INDEPENDENT STRATEGIC  
5 REVIEW PANEL.—The terms “bipartisan inde-  
6 pendent strategic review panel” and “Panel”  
7 mean the bipartisan independent strategic re-  
8 view panel established under section 119b(a) of  
9 title 10, United States Code, as added by sub-  
10 section (a)(1) of this section.

11 **SEC. 1082. NOTIFICATION OF DELAYED REPORTS.**

12 (a) IN GENERAL.—Chapter 3 of title 10, United  
13 States Code, is amended by inserting after section 122a  
14 the following new section:

15 **“§ 122b. Notification of delayed reports**

16 “If the Secretary of Defense determines that a report  
17 required by law to be submitted by any official of the De-  
18 partment of Defense to Congress will not be submitted by  
19 the date required under law, the Secretary shall submit  
20 to the congressional defense committees a notification, by  
21 not later than such date, of the following:

22 “(1) An explanation of why such report will not  
23 be submitted by such date.

24 “(2) The date on which such report will be sub-  
25 mitted.

1           “(3) The status of such report as of the date  
2           of the notification.

3           “(4) The office of the Department carrying out  
4           such report and the individual acting as the head of  
5           such office.”.

6           (b) CLERICAL AMENDMENT.—The table of sections  
7           at the beginning of such chapter is amended by inserting  
8           after the item relating to section 122a the following new  
9           item:

          “122b. Notification of delayed reports.”.

10   **SEC. 1083. TECHNICAL AND CLERICAL AMENDMENTS.**

11           (a) AMENDMENTS TO NATIONAL DEFENSE AUTHOR-  
12           IZATION ACT FOR FISCAL YEAR 2012.—Effective as of  
13           December 31, 2011, and as if included therein as enacted,  
14           the National Defense Authorization Act for Fiscal Year  
15           2012 (Public Law 112–81) is amended as follows:

16           (1) Section 243(d) (125 Stat. 1344) is amended  
17           by striking “paragraph” and inserting “subsection”.

18           (2) Section 541(b) (125 Stat. 1407) is amended  
19           by striking “, as amended by subsection (a),”.

20           (3) Section 589(b) (125 Stat. 1438) is amended  
21           by striking “section 717” and inserting “section  
22           2564”.

23           (4) Section 602(a)(2) (125 Stat. 1447) is  
24           amended by striking “repairs,” and inserting “re-  
25           pairs”.

1           (5) Section 631(e)(28)(A) (125 Stat. 1464) is  
2           amended by striking “In addition” in the matter  
3           proposed to be inserted and inserting “Under regu-  
4           lations”.

5           (6) Section 631(f)(2) (125 Stat. 1464) is  
6           amended by striking “table of chapter” and insert-  
7           ing “table of chapters”.

8           (7) Section 631(f)(3)(B) (125 Stat. 1465) is  
9           amended by striking “chapter 9” and inserting  
10          “chapter 10”.

11          (8) Section 631(f)(4) (125 Stat. 1465) is  
12          amended by striking “subsection (c)” both places it  
13          appears and inserting “subsection (d)”.

14          (9) Section 801 (125 Stat. 1482) is amended—

15                (A) in subsection (a)(1)(B), by striking  
16                “paragraphs (6) and (7)” and inserting “para-  
17                graphs (5) and (6)”;

18                (B) in subsection (a)(2), in the matter pro-  
19                posed to be inserted as a new paragraph, by  
20                striking the double closing quotation marks  
21                after “capabilities” and inserting a single clos-  
22                ing quotation mark; and

23                (C) in subsection (e)(1)(A), by striking  
24                “**Point**” in the matter proposed to be struck  
25                and inserting “**Point A**”.

1           (10) Section 832(b)(1) (125 Stat. 1504) is  
2           amended by striking “Defenese” and inserting “De-  
3           fense”.

4           (11) Section 855 (125 Stat. 1521) is amended  
5           by striking “Section 139e(b)(12)” and inserting  
6           “Section 139c(b)(12)”.

7           (12) Section 864(a)(2) (125 Stat. 1522) is  
8           amended by striking “for Acquisition Workforce  
9           Programs” in the matter proposed to be struck.

10          (13) Section 864(d)(2) (125 Stat. 1525) is  
11          amended to read as follows:

12               “(2) in paragraph (6), by striking ‘ensure that  
13               amounts collected’ and all that follows through the  
14               end of the paragraph (as amended by section 526 of  
15               division C of Public Law 112–74 (125 Stat. 914))  
16               and inserting ‘ensure that amounts collected under  
17               this section are not used for a purpose other than  
18               the activities set forth in section 1201(a) of this  
19               title.’”.

20          (14) Section 866(a) (125 Stat. 1526) is amend-  
21          ed by striking “September 30” in the matter pro-  
22          posed to be struck and inserting “December 31”.

23          (15) Section 867 (125 Stat. 1526) is amend-  
24          ed—

1 (A) in paragraph (1), by striking “2010”  
2 in the matter proposed to be struck and insert-  
3 ing “2011”; and

4 (B) in paragraph (2), by striking “2013”  
5 in the matter proposed to be struck and insert-  
6 ing “2014”.

7 (16) Section 1045(c)(1) (125 Stat. 1577) is  
8 amended by striking “described in subsection (b)”  
9 and inserting “described in paragraph (2)”.

10 (17) Section 1067 (125 Stat. 1589) is amend-  
11 ed—

12 (A) by striking subsection (a); and

13 (B) by striking the subsection designation  
14 and the subsection heading of subsection (b).

15 (18) Section 2702 (125 Stat. 1681) is amend-  
16 ed—

17 (A) in the section heading, by striking  
18 “**AUTHORIZED**” and inserting “**AUTHORIZA-**  
19 **TION OF APPROPRIATIONS FOR**”; and

20 (B) by striking “Using amounts” and all  
21 that follows through “may carry out” and in-  
22 serting “Funds are hereby authorized to be ap-  
23 propriated for fiscal years beginning after Sep-  
24 tember 30, 2011, for”.



1           (19) Section 2815(c) (125 Stat. 1689) is  
2       amended by inserting “subchapter III of” before  
3       “chapter 169”.

4       (b) AMENDMENTS TO IKE SKELTON NATIONAL DE-  
5 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—  
6 Effective as of January 7, 2011, and as if included therein  
7 as enacted, the Ike Skelton National Defense Authoriza-  
8 tion Act for Fiscal Year 2011 (Public Law 111–383) is  
9 amended as follows:

10           (1) Section 533(b) (124 Stat. 4216) is amended  
11       by inserting “Section” before “1559(a)”.

12           (2) Section 863(d)(9) (124 Stat. 4293; 10  
13 U.S.C. 2330 note) is amended by striking “this  
14 title” and inserting “title 10, United States Code”.

15           (3) Section 896(a) (124 Stat. 4314) is amended  
16       by striking “Chapter 7” and inserting “Chapter 4”.

17       (c) AMENDMENTS TO REFLECT REDESIGNATION OF  
18 CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DE-  
19 FENSE.—

20           (1) ASSISTANT SECRETARY OF DEFENSE FOR  
21 NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE  
22 PROGRAMS.— Section 1605(a)(5) of the National  
23 Defense Authorization Act for Fiscal Year 1994  
24 (Public Law 103–160; 22 U.S.C. 2751 note) is  
25 amended by striking “The Assistant to the Secretary

1 of Defense for Nuclear and Chemical and Biological  
2 Defense Programs” each place it appears and insert-  
3 ing “The Assistant Secretary of Defense for Nu-  
4 clear, Chemical, and Biological Defense Programs”.

5 (2) ASSISTANT SECRETARY OF DEFENSE FOR  
6 RESEARCH AND ENGINEERING.—

7 (A) The following provisions are amended  
8 by striking “Director of Defense Research and  
9 Engineering” and inserting “Assistant Sec-  
10 retary of Defense for Research and Engineer-  
11 ing”:

12 (i) Sections 2362(a)(1) and  
13 2521(e)(5) of title 10, United States Code.

14 (ii) Section 241(c) of the National De-  
15 fense Authorization Act for Fiscal Year  
16 2006 (Public Law 109–163; 10 U.S.C.  
17 2521 note).

18 (iii) Section 212(b) of the Ronald W.  
19 Reagan National Defense Authorization  
20 Act for Fiscal Year 2005 (Public Law  
21 108–375; 10 U.S.C. 2358 note).

22 (iv) Section 246(d)(1) of the Bob  
23 Stump National Defense Authorization Act  
24 for Fiscal Year 2003 (Public Law 107–  
25 314; 10 U.S.C. 2358 note).

1 (v) Section 257(a) of the National De-  
2 fense Authorization Act for Fiscal Year  
3 1995 (Public Law 103–337; 10 U.S.C.  
4 2358 note).

5 (vi) Section 1101(b)(1)(D) of the  
6 Strom Thurmond National Defense Au-  
7 thorization Act for Fiscal Year 1999 (Pub-  
8 lic Law 105–261; 5 U.S.C. 3104 note).

9 (vii) Section 802(g)(1)(B)(ii) of the  
10 Higher Education Opportunity Act (20  
11 U.S.C. 9631(g)(1)(B)(ii)).

12 (B) Section 2365 of title 10, United States  
13 Code, is amended—

14 (i) in subsection (a), by inserting “of  
15 Defense for Research and Engineering”  
16 after “Assistant Secretary”; and

17 (ii) in subsection (d)(3)(A), by strik-  
18 ing “Director” and inserting “Assistant  
19 Secretary”.

20 (C) Section 256 of the National Defense  
21 Authorization Act for Fiscal Year 2006 (Public  
22 Law 109–163; 10 U.S.C. 1071 note) is amend-  
23 ed in subsections (b)(4) and (d) by striking  
24 “Director, Defense” and inserting “Assistant  
25 Secretary of Defense for”.

1 (D) Section 1504 of the Duncan Hunter  
2 National Defense Authorization Act for Fiscal  
3 Year 2009 (Public Law 110–417; 10 U.S.C.  
4 2358 note) is amended—

5 (i) in subsection (a), by striking “Di-  
6 rector of Defense” and inserting “Assist-  
7 ant Secretary of Defense for”; and

8 (ii) in subsection (b)(9), by striking  
9 “the Director of the” and all that follows  
10 through “Engineering” and inserting “the  
11 Director and the Assistant Secretary”.

12 (E) Section 802 of the National Defense  
13 Authorization Act for Fiscal Year 1994 (Public  
14 Law 103–160; 10 U.S.C. 2358 note) is amend-  
15 ed—

16 (i) in subsection (a), by striking “Di-  
17 rector of Defense” and inserting “Assist-  
18 ant Secretary of Defense for”;

19 (ii) in subsections (b), (d), and (e), by  
20 striking “Director” and inserting “Assist-  
21 ant Secretary”; and

22 (iii) in subsection (f), by striking “Not  
23 later than” and all that follows through  
24 “the Director” and inserting “The Assist-  
25 ant 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”.

(2) Section 2306a(b)(3)(B) is amended by striking “section 4(12)(C)(i) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(C)(i))” and inserting “section 103(3)(A) of title 41”.

1           (3) Section 2321(f)(2) is amended by striking  
2           “section 35(c) of the Office of Federal Procurement  
3           Policy Act (41 U.S.C. 431(c))” and inserting “sec-  
4           tion 104 of title 41”.

5           (4) Section 2359a(h) is amended by striking  
6           “section 16(c) of the Office of Federal Procurement  
7           Policy Act (41 U.S.C. 414(c))” and inserting “sec-  
8           tion 1702(c) of title 41”.

9           (5) Section 2359b(k)(4) is amended—

10           (A) in subparagraph (A), by striking “sec-  
11           tion 4 of the Office of Federal Procurement  
12           Policy Act (41 U.S.C. 403)” and inserting “sec-  
13           tion 110 of title 41”; and

14           (B) in subparagraph (B), by adding a pe-  
15           riod at the end.

16           (6) Section 2379 is amended—

17           (A) in subsections (a)(1)(A), (b)(2)(A),  
18           and (c)(1)(B)(i), by striking “section 4(12) of  
19           the Office of Federal Procurement Policy Act  
20           (41 U.S.C. 403(12))” and inserting “section  
21           103 of title 41”; and

22           (B) in subsections (b) and (c)(1), by strik-  
23           ing “section 35(c) of the Office of Federal Pro-  
24           curement Policy Act (41 U.S.C. 431(c))” and  
25           inserting “section 104 of title 41”.

1 (7) Section 2382(c) is amended—

2 (A) in paragraph (2)(B), by striking “sec-  
3 tions 303H through 303K of the Federal Prop-  
4 erty and Administrative Services Act of 1949  
5 (41 U.S.C. 253h through 253k)” and inserting  
6 “sections 4101, 4103, 4105, and 4106 of title  
7 41”; and

8 (B) in paragraph (3)(A), by striking “sec-  
9 tion 16(c) of the Office of Federal Procurement  
10 Policy Act (41 U.S.C. 414(c))” and inserting  
11 “section 1702(c) of title 41”.

12 (8) Section 2410m(b)(1) is amended—

13 (A) in subparagraph (A)(i), by striking  
14 “section 7 of such Act” and inserting “section  
15 7104(a) of such title”; and

16 (B) in subparagraph (B)(ii), by striking  
17 “section 7 of the Contract Disputes Act of  
18 1978” and inserting “section 7104(a) of title  
19 41”.

20 (9) Section 2533b is amended—

21 (A) in subsection (h)—

22 (i) in paragraph (1), by striking “sec-  
23 tions 34 and 35 of the Office of Federal  
24 Procurement Policy Act (41 U.S.C. 430

1 and 431)” and inserting “sections 1906  
2 and 1907 of title 41”; and

3 (ii) in paragraph (2), by striking “sec-  
4 tion 35(c) of the Office of Federal Pro-  
5 curement Policy Act (41 U.S.C. 431(c))”  
6 and inserting “section 104 of title 41”;  
7 and

8 (B) in subsection (m)—

9 (i) in paragraph (2), by striking “sec-  
10 tion 4 of the Office of Federal Procure-  
11 ment Policy Act (41 U.S.C. 403)” and in-  
12 serting “section 105 of title 41”;

13 (ii) in paragraph (3), by striking “sec-  
14 tion 4 of the Office of Federal Procure-  
15 ment Policy Act (41 U.S.C. 403)” and in-  
16 serting “section 131 of title 41”; and

17 (iii) in paragraph (5), by striking  
18 “section 35(c) of the Office of Federal  
19 Procurement Policy Act (41 U.S.C.  
20 431(c))” and inserting “section 104 of title  
21 41”.

22 (e) OTHER CROSS-REFERENCE AMENDMENTS IN  
23 TITLE 10.—Title 10, United States Code, is amended as  
24 follows:

25 (1) Section 1722b(c) is amended—



1 (A) in paragraph (3), by striking “sub-  
 2 sections (b)(2)(A) and (b)(2)(B)” and inserting  
 3 “subsections (b)(1)(A) and (b)(1)(B)”; and

4 (B) in paragraph (4), by striking  
 5 “1734(d), or 1736(c)” and inserting “or  
 6 1734(d)”.

7 (2) Section 2382(b)(1) is amended by inserting  
 8 “of the Small Business Act (15 U.S.C. 657q(c)(4))”  
 9 after “section 44(c)(4)”;

10 (3) Section 2548(e)(2) is amended by striking  
 11 “section 103(f) of the Weapon Systems Acquisition  
 12 Reform Act of 2009 (10 U.S.C. 2430 note),” and in-  
 13 serting “section 2438(f) of this title”.

14 (4) Section 2925 is amended—

15 (A) in subsection (a)(1), by striking “sec-  
 16 tion 533” and inserting “section 553”; and

17 (B) in subsection (b)(1), by striking “sec-  
 18 tion 139b” and inserting “section 138c”.

19 (f) DATE OF ENACTMENT REFERENCES.—Title 10,  
 20 United States Code, is amended as follows:

21 (1) Section 1564(a)(2)(B) is amended by strik-  
 22 ing “the date of the enactment of the Ike Skelton  
 23 National Defense Authorization Act for Fiscal Year  
 24 2011” in clauses (ii) and (iii) and inserting “Janu-  
 25 ary 7, 2011”.

1           (2) Section 2359b(k)(5) is amended by striking  
2           “the date that is five years after the date of the en-  
3           actment of this Act” and inserting “January 7,  
4           2016”.

5           (3) Section 2649(c) is amended by striking  
6           “During the 5-year period beginning on the date of  
7           the enactment of the Ike Skelton National Defense  
8           Authorization Act for Fiscal Year 2011” and insert-  
9           ing “Until January 6, 2016”.

10          (4) Section 2790(g)(1) is amended by striking  
11          “on or after the date of the enactment of the Ike  
12          Skelton National Defense Authorization Act for Fis-  
13          cal Year 2011” and inserting “after January 6,  
14          2011,”.

15          (5) Sections 3911(b)(2), 6323(a)(2)(B), and  
16          8911(b)(2) are amended by striking “the date of the  
17          enactment of the Ike Skelton National Defense Au-  
18          thorization Act for Fiscal Year 2011” and inserting  
19          “January 7, 2011,”.

20          (6) Section 10217(d)(3) is amended by striking  
21          “after the end of the 2-year period beginning on the  
22          date of the enactment of this subsection” and insert-  
23          ing “after January 6, 2013”.

1       (g) OTHER MISCELLANEOUS AMENDMENTS TO  
2 TITLE 10.—Title 10, United States Code, is amended as  
3 follows:

4           (1) Section 113(c)(2) is amended by striking  
5 “on” after “Board on”.

6           (2) The table of sections at the beginning of  
7 chapter 4 is amended by striking the item relating  
8 to section 133b.

9           (3) Paragraph (3) of section 138(c), as added  
10 by section 314(a) of the National Defense Author-  
11 ization Act for Fiscal Year 2012 (Public Law 112–  
12 81; 125 Stat. 1357), is transferred to appear at the  
13 end of section 138c(c).

14           (4) Section 139a(d)(4) is amended by adding a  
15 period at the end.

16           (5) Section 139b(a)(6) is amended by striking  
17 “propriety” and inserting “proprietary”.

18           (6) The item relating to section 225 at the end  
19 of the table of sections at the beginning of chapter  
20 9 is transferred to appear after the item relating to  
21 section 224.

22           (7) Section 843(b)(2)(B)(v) (article 43 of the  
23 Uniform Code of Military Justice) is amended by  
24 striking “Kidnaping,,” and inserting “Kidnaping,”

1           (8) Section 920(g)(7) (article 120 of the Uni-  
2       form Code of Military Justice) is amended by strik-  
3       ing the second period at the end.

4           (9) Section 1086(b)(1) is amended by striking  
5       “clause (2)” and inserting “paragraph (2)”.

6           (10) Section 1142(b)(10) is amended by strik-  
7       ing “training,,” and inserting “training,”.

8           (11) Section 1401(a) is amended by striking  
9       “columns 1, 2, 3, and 4,” in the matter preceding  
10      the table and inserting “columns 1, 2, and 3,”.

11          (12) Section 1781(a) is amended—

12               (A) in the first sentence, by striking “Di-  
13       rector” and inserting “Office”;

14               (B) in the first sentence, by striking “here-  
15       inafter”; and

16               (C) in the second sentence, by striking “of-  
17       fice” both places it appears and inserting “Of-  
18       fice”.

19          (13) Section 1790 is amended—

20               (A) by striking the section heading and in-  
21       serting the following:

22       **“§ 1790. Military personnel citizenship processing”;**

23               (B) by striking “AUTHORIZATION OF PAY-  
24       MENTS.—”;

1 (C) by striking “title 10, United States  
2 Code” and inserting “this title”;

3 (D) by striking “Secs.”; and

4 (E) by striking “sections 286(m) and (n)  
5 of such Act (8 U.S.C. Sec. 1356(m))” and in-  
6 serting “subsections m and (n) of section 286  
7 of such Act (8 U.S.C. 1356).”.

8 (14) Section 2006(b)(2) is amended by redesignig-  
9 nating the second subparagraph (E) (as added by  
10 section 109(b)(2)(B) of Public Law 111–377 (124  
11 Stat. 4120), effective August 1, 2011) as subpara-  
12 graph (F).

13 (15) Section 2350m(e) is amended by striking  
14 “Not later than October 31, 2009, and annually  
15 thereafter” and inserting “Not later than October  
16 31 each year”.

17 (16) Section 2401 is amended by striking “the  
18 Committee on Armed Services and the Committee on  
19 Appropriations of the Senate and the Committee on  
20 Armed Services and the Committee on Appropria-  
21 tions of the House of Representatives” in sub-  
22 sections (b)(1)(B) and (h)(1) and inserting “the con-  
23 gressional defense committees”.

24 (17) Section 2438(a)(3) is amended by insert-  
25 ing “the senior” before “official’s”.

1 (18) Section 2548 is amended—

2 (A) in subsection (a)—

3 (i) by striking “Not later than” and  
4 all that follows through “the Secretary”  
5 and inserting “The Secretary”; and

6 (ii) by adding a period at the end of  
7 paragraph (3);

8 (B) in subsection (d), by striking “Begin-  
9 ning with fiscal year 2012, the” and inserting  
10 “The”; and

11 (C) in subsection (e)(1), by striking “,  
12 United States Code,”.

13 (19) Section 2561(f)(2) is amended by striking  
14 “Committee on International Relations” and insert-  
15 ing “Committee on Foreign Affairs”.

16 (20) Section 2687a is amended—

17 (A) in subsection (a), by striking “Foreign  
18 relations” and inserting “Foreign Relations”;  
19 and

20 (B) in subsection (b)(1)—

21 (i) by striking the comma after “in-  
22 cluding”; and

23 (ii) by striking “The Treaty” and in-  
24 serting “the Treaty”.

25 (21) Section 4342 is amended—

1 (A) in subsection (b)—

2 (i) in paragraph (1), by striking  
3 “clause” both places it appears and insert-  
4 ing “paragraph”; and

5 (ii) in paragraph (5), by striking  
6 “clauses” and inserting “paragraphs”;

7 (B) in subsection (d), by striking “clauses”  
8 and inserting “paragraphs”; and

9 (C) in subsection (f), by striking “clauses”  
10 and inserting “paragraphs”.

11 (22) Section 4343 is amended by striking  
12 “clauses” and inserting “paragraphs”.

13 (23) Section 6954 is amended—

14 (A) in subsection (b)—

15 (i) in paragraph (1), by striking  
16 “clause” both places it appears and insert-  
17 ing “paragraph”; and

18 (ii) in paragraph (5), by striking  
19 “clauses” and inserting “paragraphs”; and

20 (B) in subsection (d), by striking “clauses”  
21 and inserting “paragraphs”.

22 (24) Section 6956(b) is amended by striking  
23 “clauses” and inserting “paragraphs”.

24 (25) Section 9342 is amended—

25 (A) in subsection (b)—

1 (i) in paragraph (1), by striking  
2 “clause” both places it appears and insert-  
3 ing “paragraph”; and

4 (ii) in paragraph (5), by striking  
5 “clauses” and inserting “paragraphs”;

6 (B) in subsection (d), by striking “clauses”  
7 and inserting “paragraphs”; and

8 (C) in subsection (f), by striking “clauses”  
9 and inserting “paragraphs”.

10 (26) Section 9343 is amended by striking  
11 “clauses” and inserting “paragraphs”.

12 (27) Section 10217(c)(3) is amended by strik-  
13 ing “consider” and inserting “considered”.

14 (h) REPEAL OF EXPIRED PROVISIONS.—Title 10,  
15 United States Code, is amended as follows:

16 (1) Section 1108 is amended—

17 (A) by striking subsections (j) and (k); and

18 (B) by redesignating subsection (l) as sub-  
19 section (j).

20 (2) Section 2325 is amended by striking sub-  
21 section (b) and redesignating subsection (c) as sub-  
22 section (b).

23 (3) Section 2349a is repealed, and the table of  
24 sections at the beginning of subchapter I of chapter



1       138 is amended by striking the item relating to that  
2       section.

3           (4) Section 2374b is repealed, and the table of  
4       sections at the beginning of chapter 139 is amended  
5       by striking the item relating to that section.

6       (i) AMENDMENTS TO TITLE 37.— Title 37, United  
7       States Code, is amended as follows:

8           (1) Section 310(c)(1) is amended by striking  
9       “section for for” and inserting “section for”.

10          (2) Section 431, as transferred to chapter 9 of  
11       such title by section 631(d)(2) of the National De-  
12       fense Authorization Act for Fiscal Year 2012 (Pub-  
13       lic Law 112–81; 125 Stat. 1460), is redesignated as  
14       section 491.

15       (j) AMENDMENTS TO TITLE 41.— Title 41, United  
16       States Code, is amended as follows:

17          (1) Section 1122(a)(5) is amended by striking  
18       the period at the end and inserting a semicolon.

19          (2) Section 1703(i)(6) is amended by striking  
20       “Procurement” and inserting “Procurement”.

21       (k) AMENDMENT TO TITLE 46.— Subsection (a) of  
22       section 51301 of title 46, United States Code, is amended  
23       in the heading by striking “IN GENERAL” and inserting  
24       “IN GENERAL”.

1 (l) DUPLICATIVE PROVISION IN ARMED FORCES RE-  
 2 TIREMENT HOME ACT OF 1991.— Section 1511(d) of the  
 3 Armed Forces Retirement Home Act of 1991 (24 U.S.C.  
 4 411(d)) is amended by striking the first paragraph (3),  
 5 leaving the second paragraph (3) added by section 561  
 6 of Public Law 112–81 (125 Stat. 1420).

7 (m) CROSS REFERENCES AND DATE OF ENACTMENT  
 8 REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY  
 9 RETIREMENT AUTHORITY.— Section 4403 of the Na-  
 10 tional Defense Authorization Act for Fiscal Year 1993  
 11 (Public Law 102–484; 10 U.S.C. 1293 note), as amended  
 12 by section 504(b) of the National Defense Authorization  
 13 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
 14 1391), is amended—

15 (1) in subsection (c)(2)—

16 (A) in subparagraph (A), by striking  
 17 “1995 (” and inserting “1995 (Public Law  
 18 103–337;”; and

19 (B) in subparagraph (B), by striking  
 20 “1995” and inserting “1996”;

21 (2) in subsection (h), by striking “the date of  
 22 the enactment of the National Defense Authoriza-  
 23 tion Act for Fiscal Year 2012” and inserting “De-  
 24 cember 31, 2011,”; and

1           (3) in subsection (i)(2), by striking “the date of  
2           the enactment of the National Defense Authoriza-  
3           tion Act for Fiscal Year 2012” and inserting “De-  
4           cember 31, 2011,”.

5           (n) COORDINATION WITH OTHER AMENDMENTS  
6           MADE BY THIS ACT.—For purposes of applying amend-  
7           ments made by provisions of this Act other than this sec-  
8           tion, the amendments made by this section shall be treated  
9           as having been enacted immediately before any amend-  
10          ment made by other provisions of this Act.

11   **SEC. 1084. PROHIBITION ON USE OF INFORMATION**  
12                           **AGAINST A UNITED STATES CITIZEN GATH-**  
13                           **ERED BY UNMANNED AERIAL VEHICLE WITH-**  
14                           **OUT A WARRANT.**

15          Notwithstanding any other provision of law, informa-  
16          tion acquired by an unmanned aerial vehicle operated by  
17          the Department of Defense may not be admitted in a Fed-  
18          eral court, State court, or court of a political subdivision  
19          of a State as evidence against a United States citizen un-  
20          less such information was obtained by such unmanned aer-  
21          ial vehicle pursuant to a court order.

22   **SEC. 1085. THE HOUSE OF REPRESENTATIVES HONORS.**

23          (a) FINDINGS.—The House of Representatives finds  
24          the following:

1           (1) The spread of warfare across Europe and  
2           Asia led to the establishment on May 20, 1941, of  
3           the United States Office of Civilian Defense by Ex-  
4           ecutive Order No. 8757 of President Franklin D.  
5           Roosevelt, to “assure effective coordination of Fed-  
6           eral relations with State and local governments en-  
7           gaged in defense activities, to provide for necessary  
8           cooperation with States and local governments in re-  
9           spect to measures for adequate protection of the ci-  
10          vilian population in emergency periods, to facilitate  
11          constructive civilian participation in the defense pro-  
12          gram, and to sustain national morale”.

13          (2) The December 7, 1941, attack by the Em-  
14          pire of Japan on Pearl Harbor, Hawaii, precipitated  
15          the entry of the United States into the worldwide  
16          conflict and signaled a new era of warfare that de-  
17          manded new efforts to protect the people of the  
18          United States from airborne assault by an overseas  
19          enemy.

20          (3) In response to this new threat, the United  
21          States Office of Civilian Defense mobilized millions  
22          of volunteers to participate in efforts to enhance the  
23          preparedness of the United States in case of attack,  
24          including fire protection, communication and logis-

1       tics, construction of bomb shelters, and air raid  
2       blackout drills.

3           (4) Thousands of Americans unable to serve in  
4       the United States Armed Forces volunteered their  
5       service as Air Raid Wardens in communities across  
6       the United States during World War II, contributing  
7       to America's defense against potential enemy assault  
8       and the ultimate victory of the Allied nation.

9           (5) A training manual distributed to Air Raid  
10      Wardens during World War II noted that "In the  
11      system of civilian defense, the Air Raid Warden oc-  
12      cupies the key position. He is the field officer under  
13      whose supervision the efforts of the civilian popu-  
14      lation are directed in the tremendous task of effec-  
15      tive defense. Through the Air Raid Wardens, civilian  
16      activity is coordinated with that of the police and  
17      fire departments and other vital services."

18          (6) Training manuals distributed to Air Raid  
19      Wardens included "I am an Air Raid Warden", by  
20      Frank W. Atherton, Chief Air Raid Warden, 1st  
21      District, United States Citizens' Defense Corps of  
22      Michigan, which read, in part that "I am an Air  
23      Raid Warden. My country, my state and my commu-  
24      nity have given me many pleasant and fruitful years  
25      and now in time of trouble I feel that it is my duty

1 to do my part in the work assigned to me in helping  
2 to reduce to a minimum any harm that may come  
3 from without or within.”.

4 (7) Tony Pastor and His Orchestra released a  
5 song in 1942, titled “Obey Your Air Raid Warden”,  
6 which was widely distributed as a public service an-  
7 nouncement and contained the following lyrics:  
8 “One, be calm. Two, get under shelter. Three, don’t  
9 run. Obey your air-raid warden. Four, stay home.  
10 Five, keep off the highway. Six, don’t phone. Obey  
11 your air-raid warden. There are rules that you  
12 should know, What to do and where to go, When  
13 you hear the sirens blow, Stop, look, and listen.  
14 Seven, don’t smoke. Eight, help all the kiddies. Most  
15 of all, obey your air-raid warden. Stop, look, and lis-  
16 ten. Dim the lights, Wait for information, Most of  
17 all, obey your air-raid warden. Stop the panic, Don’t  
18 get in a huff, Our aim today is to call their bluff.  
19 Follow these rules and that is enough. Obey your  
20 air-raid warden.”.

21 (b) THE HOUSE OF REPRESENTATIVES HONORS.—  
22 The House of Representatives encourages surviving Air  
23 Raid Wardens and other volunteers of the United States  
24 Office of Civilian Defense during the World War II to

1 record and permanently preserve stories of their service  
2 for future generations.

3 **SEC. 1086. COST OF WARS.**

4 The Secretary of Defense, in consultation with the  
5 Commissioner of the Internal Revenue Service and the Di-  
6 rector of the Bureau of Economic Analysis, shall post on  
7 the public Web site of the Department of Defense the  
8 costs, including the relevant legacy costs, to each Amer-  
9 ican taxpayer of each of the wars in Afghanistan and Iraq.

10 **SEC. 1087. INCREASE IN AUTHORIZED NUMBER OF WEAP-**

11 **ONS OF MASS DESTRUCTION CIVIL SUPPORT**

12 **TEAMS.**

13 (a) IN GENERAL.—Section 1403(a) of the Bob  
14 Stump National Defense Authorization Act for Fiscal  
15 Year 2003 (Public Law 107–314; 116 Stat. 2676; 10  
16 U.S.C. 12310 note) is amended—

17 (1) in paragraph (1), by striking “23” and in-  
18 serting “a minimum of 25”; and

19 (2) by striking “55 teams” each place it ap-  
20 pears and inserting “57 teams”.

21 (b) FUNDING.—

22 (1) INCREASE.—Notwithstanding the amounts  
23 set forth in the funding tables in division D, the  
24 amount authorized to be appropriated in section 301  
25 for operation and maintenance, Army, as specified in

1 the corresponding funding table in section 4301, for  
2 Line 070, Force Readiness Operations Support is  
3 hereby increased by \$5,000,000.

4 (2) OFFSET.—Notwithstanding the amounts set  
5 forth in the funding tables in division D, the amount  
6 authorized to be appropriated in section 201 for re-  
7 search, development, test, and evaluation, Defense-  
8 wide, as specified in the corresponding funding table  
9 in division D, is hereby reduced by \$5,000,000, to  
10 be derived from Line 036, Program Element  
11 0603384BP, Chemical and Biological Defense Pro-  
12 gram.

13 **SEC. 1088. TRIAL OF FOREIGN TERRORISTS.**

14 After the date of the enactment of this Act, any for-  
15 eign national, who—

16 (1) engages or has engaged in conduct consti-  
17 tuting an offense relating to a terrorist attack  
18 against persons or property in the United States or  
19 against any United States Government property or  
20 personnel outside the United States, and

21 (2) is subject to trial for that offense by a mili-  
22 tary commission under chapter 47A of title 10,  
23 United States Code,  
24 shall be tried for that offense only by a military commis-  
25 sion under that chapter.



1 **SEC. 1089. RIALTO-COLTON BASIN, CALIFORNIA, WATER RE-**  
2 **SOURCES STUDY.**

3 (a) IN GENERAL.—Not later than 2 years after funds  
4 are made available to carry out this Act, the Secretary  
5 of the Interior, acting through the Director of the United  
6 States Geological Survey, shall complete a study of water  
7 resources in the Rialto-Colton Basin in the State of Cali-  
8 fornia (in this section referred to as the “Basin”), includ-  
9 ing—

10 (1) a survey of ground water resources in the  
11 Basin, including an analysis of—

12 (A) the delineation, either horizontally or  
13 vertically, of the aquifers in the Basin, includ-  
14 ing the quantity of water in the aquifers;

15 (B) the availability of ground water re-  
16 sources for human use;

17 (C) the salinity of ground water resources;

18 (D) the identification of a recent surge in  
19 perchlorate concentrations in ground water,  
20 whether significant sources are being flushed  
21 through the vadose zone, or if perchlorate is  
22 being remobilized;

23 (E) the identification of impacts and  
24 extents of all source areas that contribute to  
25 the regional plume to be fully characterized;

1 (F) the potential of the ground water re-  
2 sources to recharge;

3 (G) the interaction between ground water  
4 and surface water;

5 (H) the susceptibility of the aquifers to  
6 contamination, including identifying the extent  
7 of commingling of plume emanating within sur-  
8 rounding areas in San Bernardino County,  
9 California; and

10 (I) any other relevant criteria; and

11 (2) a characterization of surface and bedrock  
12 geology of the Basin, including the effect of the geol-  
13 ogy on ground water yield and quality.

14 (b) COORDINATION.—The Secretary shall carry out  
15 the study in coordination with the State of California and  
16 any other entities that the Secretary determines to be ap-  
17 propriate, including other Federal agencies and institu-  
18 tions of higher education.

19 (c) REPORT.—Upon completion of the study, the Sec-  
20 retary shall submit to the Committee on Energy and Nat-  
21 ural Resources of the Senate and the Committee on Nat-  
22 ural Resources of the House of Representatives a report  
23 that describes the results of the study.

1 **SEC. 1090. REPORT ON DESIGNATION OF BOKO HARAM AS**  
2 **A FOREIGN TERRORIST ORGANIZATION.**

3 (a) REPORT.—

4 (1) IN GENERAL.—Not later than 30 days after  
5 the date of the enactment of this section, the Sec-  
6 retary of State shall submit to the appropriate con-  
7 gressional committees—

8 (A) a detailed report on whether the Nige-  
9 rian organization named “People Committed to  
10 the Propagation of the Prophet’s Teachings and  
11 Jihad” (commonly known as “Boko Haram”),  
12 meets the criteria for designation as a foreign  
13 terrorist organization under section 219 of the  
14 Immigration and Nationality Act (8 U.S.C.  
15 1189); and

16 (B) if the Secretary of State determines  
17 that Boko Haram does not meet such criteria,  
18 a detailed justification as to which criteria have  
19 not been met.

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

23 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
24 TEES DEFINED.—In this subsection, the term “ap-  
25 propriate congressional committees” means—

1 (A) the Committee on Homeland Security,  
2 the Committee on Armed Services, the Com-  
3 mittee on Foreign Affairs, and the Permanent  
4 Select Committee on Intelligence of the House  
5 of Representatives; and

6 (B) the Committee on Homeland Security  
7 and Governmental Affairs, the Committee on  
8 Armed Services, the Committee on Foreign Re-  
9 lations, and the Select Committee on Intel-  
10 ligence of the Senate.

11 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion may be construed to infringe upon the sovereignty  
13 of Nigeria to combat militant or terrorist groups operating  
14 inside the boundaries of Nigeria.

15 **SEC. 1091. SENSE OF CONGRESS ON RECOGNIZING AIR MO-**  
16 **BILITY COMMAND ON ITS 20TH ANNIVER-**  
17 **SARY.**

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

19 (1) On June 1, 1992, Air Mobility Command  
20 was established as the Air Force’s functional com-  
21 mand for cargo and passenger delivery, air refueling,  
22 and aeromedical evacuation.

23 (2) As the lead Major Command for all Mobility  
24 Air Forces, Air Mobility Command ensures that the

1 Air Force's core functions of global vigilance, power,  
2 and reach are fulfilled.

3 (3) The ability of the United States to rapidly  
4 respond to humanitarian disasters and the outbreak  
5 of hostilities anywhere in the world truly defines the  
6 United States as a global power.

7 (4) Mobility Air Forces Airmen are unified by  
8 one single purpose: to answer the call of others so  
9 they may prevail.

10 (5) The United States' hand of friendship to  
11 the world many times takes the form of Mobility Air  
12 Forces aircraft delivering humanitarian relief. Since  
13 its inception, Air Mobility Command has provided  
14 forces for 43 humanitarian relief efforts at home  
15 and abroad, from New Orleans, Louisiana, to Bam,  
16 Iran.

17 (6) A Mobility Air Forces aircraft departs every  
18 2 minutes, 365 days a year. Since September 11,  
19 2001, Mobility Air Forces aircraft have flown 18.9  
20 million passengers, 6.8 million tons of cargo, and  
21 offloaded 2.2 billion pounds of fuel. Many of these  
22 flights have assisted combat aircraft protection  
23 United States forces from overhead.

24 (7) The United States keeps its solemn promise  
25 to its men and women in uniform with Air Mobility

1 Command, accomplishing 186,940 patient move-  
2 ments since the beginning of Operation Iraqi Free-  
3 dom.

4 (8) Mobility Air Forces Airmen reflect the best  
5 values of the Nation: delivering hope, saving lives,  
6 and fueling the fight.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that, on the occasion of the 20th anniversary of the  
9 establishment of Air Mobility Command, the people of the  
10 United States should—

11 (1) recognize the critical role that Mobility Air  
12 Forces play in the Nation’s defense; and

13 (2) express appreciation for the leadership of  
14 Air Mobility Command and the more than 134,000  
15 active-duty, Air National Guard, Air Force Reserve,  
16 and Department of Defense civilians that make up  
17 the command.

18 **SEC. 1092. CONSOLIDATION OF DATA CENTERS.**

19 Section 2867 of the National Defense Authorization  
20 Act for Fiscal Year 2012 (10 U.S.C. 2223a note) is  
21 amended—

22 (1) in subsection (b)(2)—

23 (A) in subparagraph (A), by inserting after  
24 “April 1, 2012,” the following: “and each year  
25 thereafter,”; and

1 (B) by adding at the end the following new  
2 paragraph:

3 “(C) ADDITIONAL ELEMENT.—The per-  
4 formance plan required under this paragraph,  
5 with respect to plans submitted after the date  
6 of the enactment of the National Defense Au-  
7 thorization Act for Fiscal Year 2013, shall be  
8 consistent with the July 2011 Government Ac-  
9 countability Office report to Congress, entitled  
10 ‘Data Center Consolidation Agencies Need to  
11 Complete Inventories and Plans to Achieve Ex-  
12 pected Savings’ (GAO–11–565), as updated by  
13 quarterly consolidation progress reports sub-  
14 mitted by the Department of Defense to the Of-  
15 fice of Management and Budget”; and

16 (2) in subsection (d)(1), by adding at the end  
17 the following: “Beginning after the date of the en-  
18 actment of the National Defense Authorization Act  
19 for Fiscal Year 2013, such report shall include  
20 progress updates on consolidation goals achieved  
21 during the preceding fiscal year consistent with the  
22 framework outlined by the July 2011 Government  
23 Accountability Office report to Congress, entitled  
24 ‘Data Center Consolidation Agencies Need to Com-  
25 plete Inventories and Plans to Achieve Expected

1 Savings' (GAO-11-565), as updated by quarterly  
2 consolidation progress reports submitted by the De-  
3 partment of Defense to the Office of Management  
4 and Budget.'".

5 **SEC. 1093. SENSE OF CONGRESS REGARDING PRESERVA-**  
6 **TION OF SECOND AMENDMENT RIGHTS OF**  
7 **ACTIVE DUTY MILITARY PERSONNEL STA-**  
8 **TIONED OR RESIDING IN THE DISTRICT OF**  
9 **COLUMBIA.**

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

11 (1) The Second Amendment to the United  
12 States Constitution provides that the right of the  
13 people to keep and bear arms shall not be infringed.

14 (2) Approximately 40,000 servicemen and  
15 women across all branches of the Armed Forces ei-  
16 ther live in or are stationed on active duty within the  
17 Washington, DC metropolitan area. Unless these in-  
18 dividuals are granted a waiver as serving in a law  
19 enforcement role, they are subject to the District of  
20 Columbia's onerous and highly restrictive laws on  
21 the possession of firearms.

22 (3) Military personnel, despite being extensively  
23 trained in the proper and safe use of firearms, are  
24 therefore deprived by the laws of the District of Co-  
25 lumbia of handguns, rifles, and shotguns that are



1 commonly kept by law-abiding persons throughout  
2 the United States for sporting use and for lawful de-  
3 fense of their persons, homes, businesses, and fami-  
4 lies.

5 (4) The District of Columbia has one of the  
6 highest per capita murder rates in the Nation, which  
7 may be attributed in part to previous local laws pro-  
8 hibiting possession of firearms by law-abiding per-  
9 sons who would have otherwise been able to defend  
10 themselves and their loved ones in their own homes  
11 and businesses.

12 (5) The Gun Control Act of 1968, as amended  
13 by the Firearms Owners' Protection Act, and the  
14 Brady Handgun Violence Prevention Act, provide  
15 comprehensive Federal regulations applicable in the  
16 District of Columbia as elsewhere. In addition, exist-  
17 ing District of Columbia criminal laws punish pos-  
18 session and illegal use of firearms by violent crimi-  
19 nals and felons. Consequently, there is no need for  
20 local laws that only affect and disarm law-abiding  
21 citizens.

22 (6) On June 26, 2008, the Supreme Court of  
23 the United States in the case of District of Columbia  
24 v. Heller held that the Second Amendment protects  
25 an individual's right to possess a firearm for tradi-

1        tionally lawful purposes, and thus ruled that the  
2        District of Columbia’s handgun ban and require-  
3        ments that rifles and shotguns in the home be kept  
4        unloaded and disassembled or outfitted with a trig-  
5        ger lock to be unconstitutional.

6            (7) On July 16, 2008, the District of Columbia  
7        enacted the Firearms Control Emergency Amend-  
8        ment Act of 2008 (D.C. Act 17–422; 55 DCR  
9        8237), which places onerous restrictions on the abil-  
10       ity of law-abiding citizens from possessing firearms,  
11       thus violating the spirit by which the Supreme Court  
12       of the United States ruled in *District of Columbia*  
13       v. *Heller*.

14           (8) On February 26, 2009, the United States  
15        Senate adopted an amendment on a bipartisan vote  
16        of 62-36 by Senator John Ensign to S. 160, the  
17        District of Columbia House Voting Rights Act of  
18        2009, which would fully restore Second Amendment  
19        rights to the citizens of the District of Columbia.

20        (b) SENSE OF CONGRESS.—It is the sense of Con-  
21        gress that active duty military personnel who are stationed  
22        or residing in the District of Columbia should be permitted  
23        to exercise fully their rights under the Second Amendment  
24        to the Constitution of the United States and therefore

1 should be exempt from the District of Columbia's restric-  
2 tions on the possession of firearms.

3 **SEC. 1094. CONDITIONAL REPLACEMENT FOR FY 2013 SE-**  
4 **QUESTER.**

5 (a) CONTINGENT EFFECTIVE DATE.—This section  
6 and the amendments made by it shall take effect upon  
7 the enactment of—

8 (1) the Act contemplated in section 201 of H.  
9 Con. Res. 112 (112th Congress) that achieves at  
10 least the deficit reduction called for in such section  
11 for such periods; or

12 (2) similar legislation that at least offsets the  
13 outlay reductions flowing from the budget authority  
14 reductions mandated by section 251A(7)(A) and  
15 251A(8) as it applies to direct spending in the de-  
16 fense function for fiscal year 2013 of the Balanced  
17 Budget and Emergency Deficit Control Act of 1985,  
18 as in force immediately before the date of enactment  
19 of this Act, combined with the outlay reductions  
20 flowing from the amendment to section  
21 251A(7)(A)(i) of the Balanced Budget and Emer-  
22 gency Deficit Control Act of 1985 made by sub-  
23 section (c), within five years of enactment.

24 (b) REVISED 2013 DISCRETIONARY SPENDING  
25 LIMIT.—Paragraph (2) of section 251(c) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985 is  
2 amended to read as follows:

3 “(2) with respect to fiscal year 2013, for the  
4 discretionary category, \$1,047,000,000,000 in new  
5 budget authority;”.

6 (c) DISCRETIONARY SAVINGS.—Section 251A(7)(A)  
7 of the Balanced Budget and Emergency Deficit Control  
8 Act of 1985 is amended to read as follows:

9 “(A) FISCAL YEAR 2013.—

10 “(i) FISCAL YEAR 2013 ADJUST-  
11 MENT.—On January 2, 2013, the discre-  
12 tionary category set forth in section  
13 251(c)(2) shall be decreased by  
14 \$19,104,000,000 in budget authority.

15 “(ii) SUPPLEMENTAL SEQUESTRATION  
16 ORDER.—On January 15, 2013, OMB  
17 shall issue a supplemental sequestration  
18 report for fiscal year 2013 and take the  
19 form of a final sequestration report as set  
20 forth in section 254(f)(2) and using the  
21 procedures set forth in section 253(f), to  
22 eliminate any discretionary spending  
23 breach of the spending limit set forth in  
24 section 251(c)(2) as adjusted by clause (i),

1                   and the President shall order a sequestra-  
2                   tion, if any, as required by such report.”.

3           (d) ELIMINATION OF THE FISCAL YEAR 2013 SE-  
4   QUESTRATION FOR DEFENSE DIRECT SPENDING.—Any  
5   sequestration order issued by the President under the Bal-  
6   anced Budget and Emergency Deficit Control Act of 1985  
7   to carry out reductions to direct spending for the defense  
8   function (050) for fiscal year 2013 pursuant to section  
9   251A of such Act shall have no force or effect.

10          (e) REPORT.—

11               (1) IN GENERAL.—Not later than August 15,  
12               2012, the Secretary of Defense shall submit to the  
13               Committees on Armed Services of the House of Rep-  
14               resentatives and the Senate a detailed report on the  
15               impact of the sequestration of funds authorized and  
16               appropriated for Fiscal Year 2013 for the Depart-  
17               ment of Defense, if automatically triggered on Janu-  
18               ary 2, 2013, as required by section 251A of the Bal-  
19               anced Budget and Emergency Deficit Control Act of  
20               1985 (2 U.S.C. 901a), as in effect immediately be-  
21               fore the date of enactment of this Act.

22               (2) CONTENTS OF REPORT.—The report re-  
23               quired by this section shall include—

24                       (A) an assessment of the potential impact  
25                       of sequestration on the readiness of the Armed

1 Forces, including impacts to steaming hours,  
2 flying hours, full spectrum training miles, and  
3 all other readiness metrics;

4 (B) an assessment of the impact on ability  
5 of the Department of Defense to carry out the  
6 National Military Strategy of the United States  
7 and any changes to the most recent Chairman's  
8 Risk Assessment required by section 153 of  
9 title 10, United States Code;

10 (C) a listing of the programs, projects, and  
11 activities across the military departments and  
12 components that would be reduced or termi-  
13 nated as a result of automatically triggered  
14 cuts;

15 (D) an estimate of the number and value  
16 of all contracts that will be terminated, restruc-  
17 tured, or rescoped due to sequestration, includ-  
18 ing an estimate of potential termination costs  
19 and increased contracts costs due to renegoti-  
20 ation and reinstatement of the contract; and

21 (E) an estimate of the number of civilian,  
22 contract, and uniformed personnel whose em-  
23 ployment would be terminated due to sequestra-  
24 tion, including the estimated cost to the De-  
25 partment of executing such a drawdown.

1 **SEC. 1095. REPORT ON DEFENSE FORENSIC DATA.**

2 (a) REQUIREMENT.—The Director of the Defense  
3 Forensic Office within the Office of the Undersecretary  
4 of Defense for Acquisition, Technology, and Logistics may  
5 evaluate opportunities to increase the matching success  
6 rate when forensic data is collected during site exploitation  
7 to match forensic data stored in DNA databases. Among  
8 other items, the Defense Forensic Office may evaluate op-  
9 portunities to assist other countries with moving forward  
10 with DNA database programs that require a defined cat-  
11 egory of criminal offender to submit DNA to a foreign  
12 country's national DNA database.

13 (b) REPORT.—The Defense Forensic Office shall sub-  
14 mit to the congressional defense committees a report con-  
15 taining its findings and solutions no later than 120 days  
16 after the date of the enactment of this Act.

17 **SEC. 1096. DISPLAY OF STATE, DISTRICT OF COLUMBIA,**  
18 **AND TERRITORIAL FLAGS BY ARMED**  
19 **FORCES.**

20 Section 2249b of title 10, United States Code, is  
21 amended—

22 (1) by adding at the end the following new sub-  
23 section:

24 “(c) DISPLAY OF DISTRICT OF COLUMBIA AND TER-  
25 RITORIAL FLAGS BY ARMED FORCES.—The Secretary of  
26 Defense shall ensure that whenever the official flags of

1 all 50 States are displayed by the armed forces, such dis-  
2 play shall include the flags of the District of Columbia,  
3 Commonwealth of Puerto Rico, United States Virgin Is-  
4 lands, Guam, American Samoa, and Commonwealth of the  
5 Northern Mariana Islands.”; and

6 (2) in the section heading, by striking the colon  
7 and all that follows.

8 **SEC. 1097. DISSEMINATION ABROAD OF INFORMATION**  
9 **ABOUT THE UNITED STATES.**

10 (a) UNITED STATES INFORMATION AND EDU-  
11 CATIONAL EXCHANGE ACT OF 1948.—Section 501 of the  
12 United States Information and Educational Exchange Act  
13 of 1948 (22 U.S.C. 1461) is amended to read as follows:

14 “GENERAL AUTHORIZATION

15 “SEC. 501. (a) The Secretary and the Broadcasting  
16 Board of Governors are authorized to use funds appro-  
17 priated or otherwise made available for public diplomacy  
18 information programs to provide for the preparation, dis-  
19 semination, and use of information intended for foreign  
20 audiences abroad about the United States, its people, and  
21 its policies, through press, publications, radio, motion pic-  
22 tures, the Internet, and other information media, includ-  
23 ing social media, and through information centers, in-  
24 structors, and other direct or indirect means of commu-  
25 nication.



1       “(b)(1) Except as provided in paragraph (2), the Sec-  
2       retary and the Broadcasting Board of Governors may,  
3       upon request and reimbursement of the reasonable costs  
4       incurred in fulfilling such a request, make available, in the  
5       United States, motion pictures, films, video, audio, and  
6       other materials prepared for dissemination abroad or dis-  
7       seminated abroad pursuant to this Act, the United States  
8       International Broadcasting Act of 1994 (22 U.S.C. 6201  
9       et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.  
10      1465 et seq.), or the Television Broadcasting to Cuba Act  
11      (22 U.S.C. 1465aa et seq.). The Secretary and the Broad-  
12      casting Board of Governors shall issue necessary regula-  
13      tions—

14               “(A) to establish procedures to maintain such  
15      material;

16               “(B) for reimbursement of the reasonable costs  
17      incurred in fulfilling requests for such material; and

18               “(C) to ensure that the persons seeking release  
19      of such material have secured and paid for necessary  
20      United States rights and licenses.

21      “(2) With respect to material prepared for dissemina-  
22      tion abroad or disseminated abroad before the effective  
23      date of the Smith-Mundt Modernization Act of 2012—

24               “(A) the Secretary and the Broadcasting Board  
25      of Governors shall make available to the Archivist of

1 the United States, for domestic distribution, motion  
2 pictures, films, videotapes, and other material 12  
3 years after the initial dissemination of the material  
4 abroad; and

5 “(B) the Archivist shall be the official custodian  
6 of the material and shall issue necessary regulations  
7 to ensure that persons seeking its release in the  
8 United States have secured and paid for necessary  
9 United States rights and licenses and that all costs  
10 associated with the provision of the material by the  
11 Archivist shall be paid by the persons seeking its re-  
12 lease, in accordance with paragraph (3).

13 “(3) The Archivist may charge fees to recover the  
14 costs described in paragraph (2), in accordance with sec-  
15 tion 2116 (c) of title 44. Such fees shall be paid into, ad-  
16 ministered, and expended as part of the National Archives  
17 Trust Fund.

18 “(c) Nothing in this section may be construed to re-  
19 quire the Secretary or the Broadcasting Board of Gov-  
20 ernors to make material disseminated abroad available in  
21 any format other than in the format disseminated  
22 abroad.”.

23 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
24 tion may be construed to affect the allocation of funds ap-

1   propriated or otherwise made specifically available for  
2   public diplomacy.

3       (c) FOREIGN RELATIONS AUTHORIZATION ACT, FIS-  
4   CAL YEARS 1986 AND 1987.—Section 208 of the Foreign  
5   Relations Authorization Act, Fiscal Years 1986 and 1987  
6   (22 U.S.C. 1461–1a) is amended to read as follows:

7   **“SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF**  
8                   **PROGRAM MATERIAL.**

9       “(a) IN GENERAL.—No funds authorized to be ap-  
10   propriated to the Department of State or the Broad-  
11   casting Board of Governors shall be used to influence pub-  
12   lic opinion in the United States. This section shall apply  
13   only to programs carried out pursuant to the United  
14   States Information and Educational Exchange Act of  
15   1948 (22 U.S.C. 1431 et seq.), the United States Inter-  
16   national Broadcasting Act of 1994 (22 U.S.C. 6201 et  
17   seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.  
18   1465 et seq.), and the Television Broadcasting to Cuba  
19   Act (22 U.S.C. 1465aa et seq.). This section shall not pro-  
20   hibit or delay the Department of State or the Broad-  
21   casting Board of Governors from providing information  
22   about its operations, policies, programs, or program mate-  
23   rial, or making such available, to the media, public, or  
24   Congress, in accordance with other applicable law.

1       “(b) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to prohibit the Department of  
3 State or the Broadcasting Board of Governors from en-  
4 gaging in any medium or form of communication, either  
5 directly or indirectly, because a United States domestic  
6 audience is or may be thereby exposed to program mate-  
7 rial, or based on a presumption of such exposure. Such  
8 material may be made available within the United States  
9 and disseminated, when appropriate, pursuant to sections  
10 502 and 1005 of the United States Information and Edu-  
11 cational Exchange Act of 1948 (22 U.S.C. 1462 and  
12 1437), except that nothing in this section may be con-  
13 strued to authorize the Department of State or the Broad-  
14 casting Board of Governors to disseminate within the  
15 United States any program material prepared for dissemi-  
16 nation abroad on or before the effective date of the Smith-  
17 Mundt Modernization Act of 2012.

18       “(c) APPLICATION.—The provisions of this section  
19 shall apply only to the Department of State and the  
20 Broadcasting Board of Governors and to no other depart-  
21 ment or agency of the Federal Government.”.

22       (d) CONFORMING AMENDMENTS.—The United  
23 States Information and Educational Exchange Act of  
24 1948 is amended—

25               (1) in section 502 (22 U.S.C. 1462)—

1 (A) by inserting “and the Broadcasting  
2 Board of Governors” after “Secretary”; and

3 (B) by inserting “or the Broadcasting  
4 Board of Governors” after “Department”; and

5 (2) in section 1005 (22 U.S.C. 1437), by insert-  
6 ing “and the Broadcasting Board of Governors”  
7 after “Secretary” each place it appears.

8 (e) EFFECTIVE DATE.—This section shall take effect  
9 and apply on the date that is 180 days after the date of  
10 the enactment of this section.

11 **SEC. 1098. IMPROVING ORGANIZATION FOR COMPUTER**  
12 **NETWORK OPERATIONS.**

13 (a) CHARTER.—Not later than 180 days after the  
14 date of the enactment of this Act, the President shall sub-  
15 mit to the congressional defense committees a charter to  
16 establish an interagency body or organization to coordi-  
17 nate and deconflict full-spectrum military cyber operations  
18 for the Federal Government.

19 (b) ELEMENTS.—The charter required under sub-  
20 section (a) shall include—

21 (1) business rules and processes for the func-  
22 tioning of the body or organization established by  
23 such charter;

1           (2) interagency guidance clarifying roles and re-  
2           sponsibilities for full-spectrum military cyber oper-  
3           ations;

4           (3) clarification and defined membership for  
5           such body or organization; and

6           (4) accommodation for documentation of the ac-  
7           tivities of such body or organization, including min-  
8           utes and historical archives.

9           (c) REPORT.—Not later than 240 days after the date  
10          of the enactment of this Act, the President shall submit  
11          to the congressional defense committees a report outlining  
12          the charter required under subsection (a), and plans to  
13          ensure the implementation of such charter.

14          (d) BUDGET JUSTIFICATION DOCUMENTS.—The Sec-  
15          retary of Defense shall submit to the congressional defense  
16          committees dedicated budget documentation materials to  
17          accompany future budget submissions, including a single  
18          Depart of Defense-wide budget estimate and detailed  
19          budget planning data for full-spectrum military cyberspace  
20          operations (computer network defense, attack, and exploi-  
21          tation) in both unclassified and classified funding data.

22          **SEC. 1099. IMPROVING UNITED STATES FOREIGN POLICE**  
23                                   **ASSISTANCE ACTIVITIES.**

24          (a) FINAL REPORT.—Not later than 60 days after  
25          the date of the enactment of this Act, the President shall

1 submit to the relevant congressional committees the final  
2 report from the National Security Council’s Interagency  
3 Policy Committee on Security Sector Assistance.

4 (b) PLAN.—Not later than 180 days after the date  
5 of the enactment of this Act, the Secretaries of Defense  
6 and State shall jointly submit to the relevant congressional  
7 committees a plan to institute mechanisms to better co-  
8 ordinate, document, disseminate, and share information  
9 analysis and assessments regarding United States foreign  
10 police assistance activities.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
12 FINED.—In this section, the term “relevant congressional  
13 committees” means—

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

16 (2) the Committee on Oversight and Govern-  
17 ment Reform of the House of Representatives;

18 (3) the Committee on Homeland Security and  
19 Governmental Affairs of the Senate;

20 (4) the Committee on Foreign Affairs of the  
21 House of Representatives; and

22 (5) the Committee on Foreign Relations of the  
23 Senate.

1 **SEC. 1099A. SENSE OF CONGRESS REGARDING UNITED**  
2 **STATES NORTHERN COMMAND PREPARED-**  
3 **NESS.**

4 It is the sense of the Congress that—

5 (1) the United States Northern Command plays  
6 a crucial role in providing additional response capa-  
7 bility to State and local governments in domestic  
8 disaster relief and consequence management oper-  
9 ations;

10 (2) the United States Northern Command must  
11 continue to build upon its current efforts to develop  
12 command strategies, leadership training, and re-  
13 sponse plans to effectively work with civil authorities  
14 when acting as the lead agency or a supporting  
15 agency; and

16 (3) the United States Northern Command  
17 should leverage whenever possible training and man-  
18 agement expertise that resides within the Depart-  
19 ment of Defense, other Federal agencies, State and  
20 local governments, and private sector businesses and  
21 academic institutions to enhance—

22 (A) its defense support to civil authorities  
23 and incidence management missions;

24 (B) relationships with other entities in-  
25 volved in disaster response; and



1 (C) its ability to respond to unforeseen  
2 events.

3 **SEC. 1099B. LIMITATION ON MILITARY MUSICAL UNITS.**

4 Amounts authorized to be appropriated pursuant to  
5 this Act for military musical units (as such term is defined  
6 in section 974 of title 10, United States Code) may not  
7 exceed \$200,000,000.

8 **SEC. 1099C. REQUIREMENT FOR ATTORNEY GENERAL TO**  
9 **INVESTIGATE POSSIBLE VIOLATIONS OF FED-**  
10 **ERAL LAW RELATED TO LEAKS OF SENSITIVE**  
11 **INFORMATION INVOLVING THE MILITARY, IN-**  
12 **TELLIGENCE, AND OPERATIONAL CAPABILI-**  
13 **TIES OF THE UNITED STATES AND ISRAEL.**

14 (a) INVESTIGATION REQUIRED.—Not later than 30  
15 days after the date of the enactment of this Act, the Attor-  
16 ney General shall initiate an investigation into possible  
17 violations of Federal law related to leaks of sensitive infor-  
18 mation involving the military, intelligence, and operational  
19 capabilities of the United States and Israel.

20 (b) REPORT.—Not later than 60 days after the date  
21 of the enactment of this Act, the Attorney General shall  
22 submit to Congress a report describing the status and  
23 progress of the investigation required under subsection  
24 (a).

1 **TITLE XI—CIVILIAN PERSONNEL**  
2 **MATTERS**

3 **Subtitle A—General Provisions**

4 **SEC. 1101. EXPANSION OF PERSONNEL MANAGEMENT AU-**  
5 **THORITY UNDER EXPERIMENTAL PROGRAM**  
6 **WITH RESPECT TO CERTAIN SCIENTIFIC AND**  
7 **TECHNICAL POSITIONS.**

8 Subparagraph (A) of section 1101(b)(1) of the Strom  
9 Thurmond National Defense Authorization Act for Fiscal  
10 Year 1999 (5 U.S.C. 3104 note), as most recently amend-  
11 ed by section 1110 of the National Defense Authorization  
12 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
13 1615), is further amended by striking “40” and inserting  
14 “60”.

15 **SEC. 1102. AUTHORITY TO PAY FOR THE TRANSPORT OF**  
16 **FAMILY HOUSEHOLD PETS FOR FEDERAL EM-**  
17 **PLOYEES DURING CERTAIN EVACUATION OP-**  
18 **ERATIONS.**

19 Section 5725 of title 5, United States Code, is  
20 amended—

21 (1) in subsection (a), in the matter following  
22 paragraph (2), by striking “and personal effects,”  
23 and inserting “, personal effects, and family house-  
24 hold pets,”; and

25 (2) by adding at the end the following:

1       “(c)(1) The expenses authorized under subsection (a)  
 2 shall, with respect to the transport of family household  
 3 pets, include the expenses for the shipment of and the pay-  
 4 ment of any quarantine costs for such pets.

5       “(2) Any payment or reimbursement under this sec-  
 6 tion in connection with the transport of family household  
 7 pets shall be subject to terms and conditions which—

8               “(A) the head of the agency shall by regulation  
 9 prescribe; and

10              “(B) shall, to the extent practicable, be the  
 11 same as would apply under regulations prescribed  
 12 under section 476(b)(1)(H)(iii) of title 37 in connec-  
 13 tion with the transport of family household pets of  
 14 members of the uniformed services, including regula-  
 15 tions relating to the types, size, and number of pets  
 16 for which such payment or reimbursement may be  
 17 provided.”.

18 **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE**  
 19 **CATEGORY POSITIONS FOR CERTAIN FED-**  
 20 **ERAL ACQUISITION POSITIONS FOR CIVILIAN**  
 21 **AGENCIES.**

22       Section 1703(j) of title 41, United States Code, is  
 23 amended—

24              (1) in paragraph (1)—

1 (A) by striking “sections 3304, 5333, and  
2 5753” and inserting “section 3304”; and

3 (B) by striking “use the authorities in  
4 those sections to recruit and”; and

5 (2) in paragraph (2), by striking “September  
6 30, 2012” and inserting “September 30, 2017”.

7 **SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
8 **ANNUAL LIMITATION ON PREMIUM PAY AND**  
9 **AGGREGATE LIMITATION ON PAY FOR FED-**  
10 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**  
11 **SEAS.**

12 Effective January 1, 2013, section 1101(a) of the  
13 Duncan Hunter National Defense Authorization Act for  
14 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),  
15 as most recently amended by section 1104 of the National  
16 Defense Authorization Act for Fiscal Year 2012 (Public  
17 Law 112–81; 125 Stat. 1612), is further amended by  
18 striking “through 2012” and inserting “through 2013”.

19 **SEC. 1105. POLICY ON SENIOR MENTORS.**

20 (a) IN GENERAL.—The Secretary of Defense shall  
21 provide written notice to the congressional defense com-  
22 mittees at least 60 days before implementing any change  
23 in the policy regarding senior mentors issued on or about  
24 April 1, 2010.

1 (b) APPLICABILITY.—Changes implemented before  
2 the date of the enactment of this Act shall not be affected  
3 by this section.

## 4 **Subtitle B—Interagency Personnel** 5 **Rotations**

### 6 **SEC. 1111. INTERAGENCY PERSONNEL ROTATIONS.**

7 (a) SHORT TITLE.—This subtitle may be cited as the  
8 “Interagency Personnel Rotation Act of 2012”.

9 (b) DEFINITIONS.—In this subtitle:

10 (1) AGENCY.—The term “agency” has the  
11 meaning given the term “Executive agency” under  
12 section 105 of title 5, United States Code.

13 (2) COMMITTEE.—The term “Committee”  
14 means the Committee on National Security Per-  
15 sonnel established under subsection (c)(1).

16 (3) COVERED AGENCY.—The term “covered  
17 agency” means an agency that is part of an ICI.

18 (4) ICI.—The term “ICI” means a National  
19 Security Interagency Community of Interest identi-  
20 fied by the Committee under subsection (d)(1).

21 (5) ICI POSITION.—The term “ICI position”—

22 (A) means—

23 (i) a position that—

24 (I) is identified by the head of a  
25 covered agency as a position within

1 the covered agency that has signifi-  
2 cant responsibility for the subject area  
3 of the ICI in which the position is lo-  
4 cated and for activities that involve  
5 more than 1 agency;

6 (II) is in the civil service (as de-  
7 fined in section 2101(1) of title 5,  
8 United States Code) in the executive  
9 branch of the Government (including  
10 a position in the Foreign Service) at  
11 or above GS–11 of the General Sched-  
12 ule or at a level of responsibility com-  
13 parable to a position at or above GS–  
14 11 of the General Schedule; and

15 (III) is within an ICI; or

16 (ii) a position in an interagency body  
17 identified as an ICI position under sub-  
18 section (d)(3)(B)(i); and

19 (B) shall not include—

20 (i) any position described under para-  
21 graph (10)(A) or (C); or

22 (ii) any position filled by an employee  
23 described under paragraph (10)(B).

24 (6) INTELLIGENCE COMMUNITY.—The term  
25 “intelligence community” has the meaning given

1 under section 3(4) of the National Security Act of  
2 1947 (50 U.S.C. 401a(4)).

3 (7) INTERAGENCY BODY.—The term “inter-  
4 agency body” means an entity or component identi-  
5 fied under subsection (d)(3)(A).

6 (8) INTERAGENCY ROTATIONAL SERVICE.—The  
7 term “interagency rotational service” means service  
8 by an employee in—

9 (A) an ICI position that is—

10 (i) in—

11 (I) a covered agency other than  
12 the covered agency employing the em-  
13 ployee; or

14 (II) an interagency body, without  
15 regard to whether the employee is em-  
16 ployed by the agency in which the  
17 interagency body is located; and

18 (ii) the same ICI as the position in  
19 which the employee serves or has served  
20 before serving in that ICI position; or

21 (B) a position in an interagency body iden-  
22 tified under subsection (d)(3)(B)(ii).

23 (9) NATIONAL SECURITY INTERAGENCY COM-  
24 MUNITY OF INTEREST.—The term “National Secu-  
25 rity 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



1 or policy-determining character under schedule  
2 C of subpart C of part 213 of title 5 of the  
3 Code of Federal Regulations.

4 (11) SENIOR POSITION.—The term “senior po-  
5 sition” means—

6 (A) a Senior Executive Service position, as  
7 defined in section 3132(a)(2) of title 5, United  
8 States Code;

9 (B) a position in the Senior Foreign Serv-  
10 ice established under the Foreign Service Act of  
11 1980 (22 U.S.C. 3901 et seq.);

12 (C) a position in the Federal Bureau of In-  
13 vestigation and Drug Enforcement Administra-  
14 tion Senior Executive Service established under  
15 section 3151 of title 5, United States Code;

16 (D) a position filled by a limited term ap-  
17 pointee or limited emergency appointee in the  
18 Senior Executive Service, as defined under  
19 paragraphs (5) and (6), respectively, of section  
20 3132(a) of title 5, United States Code; and

21 (E) any other equivalent position identified  
22 by the Committee.

23 (c) COMMITTEE ON NATIONAL SECURITY PER-  
24 SONNEL.—

1           (1) ESTABLISHMENT.—There is established the  
2       Committee on National Security Personnel within  
3       the Executive Office of the President.

4           (2) MEMBERSHIP.—The members of the Com-  
5       mittee shall be the Director of the Office of Manage-  
6       ment and Budget, the Director of the Office of Per-  
7       sonnel Management, and the Assistant to the Presi-  
8       dent for National Security Affairs.

9           (3) CHAIRPERSON.—The Director of the Office  
10      of Management and Budget shall be the Chairperson  
11      of the Committee.

12          (4) FUNCTIONS.—

13               (A) IN GENERAL.—The Committee shall  
14      perform the functions as provided under this  
15      subtitle to implement this subtitle and shall  
16      validate the actions taken by the heads of cov-  
17      ered agencies to implement the directives issued  
18      and meet the standards established under sub-  
19      paragraph (B).

20               (B) DIRECTIVES AND STANDARDS.—

21                   (i) IN GENERAL.—In consultation  
22      with the Director of the Office of Per-  
23      sonnel Management and the Assistant to  
24      the President for National Security Af-  
25      fairs, the Director of the Office of Manage-

1           ment and Budget shall issue directives and  
2           establish standards relating to the imple-  
3           mentation of this subtitle.

4           (ii) USE BY COVERED AGENCIES.—

5           The head of each covered agency shall  
6           carry out the responsibilities under this  
7           subtitle in accordance with the directives  
8           issued and standards established by the  
9           Director of the Office of Management and  
10          Budget.

11       (5) SUPPORT AND IMPLEMENTATION.—

12           (A) BOARD.—There is established to assist  
13           the Committee a board, the members of which  
14           shall be appointed—

15               (i) in accordance with subparagraph

16               (B); and

17               (ii) from among individuals holding an  
18           office or position in level III of the Execu-  
19           tive Schedule.

20           (B) APPOINTMENTS.—Members of the  
21           board shall be appointed as follows:

22               (i) One by the Secretary of State.

23               (ii) One by the Secretary of Defense.

24               (iii) One by the Secretary of Home-  
25           land Security.

1 (iv) One by the Attorney General.

2 (v) One by the Secretary of the Treas-  
3 ury.

4 (vi) One by the Secretary of Energy.

5 (vii) One by the Secretary of Health  
6 and Human Services.

7 (viii) One by the Secretary of Com-  
8 merce.

9 (ix) One by the head of any other  
10 agency (or, if more than 1, by each of the  
11 respective heads of any other agencies) de-  
12 termined appropriate by the Committee.

13 As used in clause (ix), the term “agency” does  
14 not include any element of the intelligence com-  
15 munity.

16 (C) CHIEF HUMAN CAPITAL OFFICERS  
17 COUNCIL.—The Chief Human Capital Officers  
18 Council shall provide advice to the Committee  
19 regarding technical human capital issues.

20 (D) COVERED AGENCY OFFICIALS.—

21 (i) IN GENERAL.—The head of each  
22 covered agency shall designate an officer  
23 and office within that covered agency with  
24 responsibility for the implementation of  
25 this subtitle.

1           (ii) EXISTING OFFICES.—If an officer  
2           or office of a covered agency is designated  
3           as the officer or office within the covered  
4           agency with responsibility for the imple-  
5           mentation of Executive Order No. 13434  
6           for the covered agency on the date of en-  
7           actment of this Act, the head of the cov-  
8           ered agency shall designate the officer or  
9           office as the officer or office within the  
10          covered agency with responsibility for the  
11          implementation of this subtitle.

12       (E) STAFF.—

13           (i) IN GENERAL.—Not more than 3  
14          full-time employees (or the equivalent) may  
15          be hired to assist the Committee in the im-  
16          plementation of this subtitle. Each em-  
17          ployee so hired shall be selected from  
18          among individuals serving in the Office of  
19          Management and Budget, the Office of  
20          Personnel Management, or any other agen-  
21          cy.

22       (ii) FUNDING.—

23           (I) AUTHORIZATION OF APPRO-  
24          PRIATIONS.—There are authorized to  
25          be appropriated for each of fiscal

1 years 2013 through 2017 to carry out  
2 clause (i) an amount equal to the  
3 amount expended for salaries and ex-  
4 penses of the National Security Pro-  
5 fessional Development Integration Of-  
6 fice during fiscal year 2012.

7 (II) OFFSET.—

8 (aa) IN GENERAL.—Except  
9 as provided in subparagraph  
10 (D)(ii), effective on the date of  
11 enactment of this Act, the Na-  
12 tional Security Professional De-  
13 velopment Integration Office of  
14 the Department of Defense is  
15 terminated and, on and after the  
16 date of enactment of this Act,  
17 the Secretary of Defense may not  
18 establish a comparable office to  
19 implement Executive Order No.  
20 13434 or to design, administer,  
21 or report on the creation of a na-  
22 tional security professional devel-  
23 opment system, cadre of national  
24 security professionals, or any per-  
25 sonnel rotations, education, or

1 training for individuals involved  
2 in interagency activities or who  
3 are national security profes-  
4 sionals who are not employed by  
5 the Department of Defense.  
6 Nothing in this item shall be con-  
7 strued to prohibit the Secretary  
8 of Defense from establishing or  
9 designating an office to admin-  
10 ister interagency rotations by, or  
11 the interagency activities of, em-  
12 ployees of the Department of De-  
13 fense.

14 (bb) TRANSFER OF FUNC-  
15 TIONS.—Effective on the date of  
16 enactment of this Act, there are  
17 transferred to the Office of Man-  
18 agement and Budget or the Of-  
19 fice of Personnel Management, as  
20 determined appropriate by the  
21 Committee, the functions of the  
22 National Security Professional  
23 Development Integration Office  
24 of the Department of Defense.

1 (cc) FUNDS.—Effective on  
2 the date of enactment of this  
3 Act, all unobligated balances  
4 made available for the activities  
5 of the National Security Profes-  
6 sional Development Integration  
7 Office of the Department of De-  
8 fense are rescinded.

9 (d) NATIONAL SECURITY INTERAGENCY COMMU-  
10 NITIES OF INTEREST.—

11 (1) IDENTIFICATION OF ICIS.—Subject to sub-  
12 section (g), the Committee—

13 (A) shall identify ICIs on an ongoing basis  
14 for purposes of carrying out this subtitle; and

15 (B) may alter or discontinue an ICI identi-  
16 fied under subparagraph (A).

17 (2) IDENTIFICATION OF ICI POSITIONS.—The  
18 head of each covered agency shall identify ICI posi-  
19 tions within the covered agency.

20 (3) INTERAGENCY BODIES.—

21 (A) IDENTIFICATION.—

22 (i) IN GENERAL.—The Committee  
23 shall identify—

24 (I) entities in the executive  
25 branch of the Government that are



1 primarily involved in interagency ac-  
2 tivities relating to national security or  
3 homeland security; and

4 (II) components of agencies that  
5 are primarily involved in interagency  
6 activities relating to national security  
7 or homeland security and have a mis-  
8 sion distinct from the agency within  
9 which the component is located.

10 (ii) CERTAIN BODIES.—

11 (I) IN GENERAL.—The Com-  
12 mittee shall identify the National Se-  
13 curity Council as an interagency body  
14 under this subparagraph.

15 (II) FBI ROTATIONS.—Joint  
16 Terrorism Task Forces shall not be  
17 considered interagency bodies for pur-  
18 poses of service by employees of the  
19 Federal Bureau of Investigation.

20 (iii) DUTIES OF HEAD OF COVERED  
21 AGENCY.—The Committee shall designate  
22 the Federal officer who shall perform the  
23 duties of the head of a covered agency re-  
24 lating to ICI positions within an inter-  
25 agency body.

1 (B) POSITIONS IN INTERAGENCY BOD-  
2 IES.—The officials designated under subpara-  
3 graph (A)(iii) shall identify—

4 (i) positions within their respective  
5 interagency bodies that are ICI positions;  
6 and

7 (ii) positions within their respective  
8 interagency bodies—

9 (I) that are not a position de-  
10 scribed under subsection (b)(10)(A) or  
11 (C) or a position filled by an employee  
12 described under subsection  
13 (b)(10)(B); and

14 (II) for which service in the posi-  
15 tion shall constitute interagency rota-  
16 tional service.

17 (e) INTERAGENCY COMMUNITY OF INTEREST ROTA-  
18 TIONAL SERVICE.—

19 (1) EXCLUSION OF SENIOR POSITIONS.—For  
20 purposes of this subsection, the term “ICI position”  
21 does not include a senior position.

22 (2) ROTATIONS.—

23 (A) IN GENERAL.—The Committee shall  
24 provide for employees serving in an ICI position

1 to be assigned on a rotational basis to another  
2 ICI position that is—

- 3 (i) within another covered agency or  
4 within an interagency body; and  
5 (ii) within the same ICI.

6 (B) EXCEPTION.—An employee may be as-  
7 signed to an ICI position in another covered  
8 agency or in an interagency body that is not in  
9 the ICI applicable to an ICI position in which  
10 the employee serves or has served if—

- 11 (i) the employee has particular non-  
12 governmental or other expertise or skills  
13 that are relevant to the assigned ICI posi-  
14 tion; and

- 15 (ii) the head of the covered agency  
16 employing the employee, the head of the  
17 covered agency to which the assignment is  
18 made, and the Committee approve the as-  
19 signment.

20 (C) NONREIMBURSABLE BASIS.—Service  
21 by an employee in an ICI position in another  
22 covered agency or in an interagency body that  
23 is not within the agency employing the em-  
24 ployee shall be performed without reimburse-  
25 ment.

1           (D) RETURN TO PRIOR POSITION.—Except  
2           as otherwise provided by the Committee, an em-  
3           ployee performing service in an ICI position in  
4           another covered agency or interagency body or  
5           in a position designated under subsection  
6           (d)(3)(B)(ii) shall be entitled to return, within  
7           a reasonable period of time after the end of the  
8           period of service, to the position held by the  
9           employee, or a corresponding or higher position  
10          (or, in the case of an employee in the Foreign  
11          Service, as defined in section 102(11) of the  
12          Foreign Service Act of 1980 (22 U.S.C.  
13          3902(11)), a position in the same or a higher  
14          personnel category), in the covered agency em-  
15          ploying the employee.

16          (3) SELECTION OF ICI POSITIONS OPEN FOR  
17          ROTATIONAL SERVICE.—

18               (A) IN GENERAL.—The head of each cov-  
19               ered agency shall determine which ICI positions  
20               in the covered agency shall be available for  
21               service by employees from another covered  
22               agency and may modify a determination under  
23               this subparagraph.

24               (B) LIST.—The Committee shall maintain  
25               a single, integrated list of ICI positions and of

1 positions available for service by employees  
2 from another covered agency under this sub-  
3 section and shall make the list available to Fed-  
4 eral employees on an ongoing basis in order to  
5 facilitate applications for the positions and  
6 long-term career planning by employees of the  
7 executive branch of the Government, except to  
8 the extent that the Committee determines that  
9 the identity of certain positions should not be  
10 distributed in order to protect national security  
11 or homeland security.

12 (4) MINIMUM PERIOD OF SERVICE.—With re-  
13 spect to the period of service in an ICI position in  
14 another covered agency or interagency body, the  
15 Committee—

16 (A) shall, notwithstanding any other provi-  
17 sion of law, ensure that the period of service is  
18 sufficient to gain an adequately detailed under-  
19 standing and perspective of the covered agency  
20 or interagency body at which the employee is  
21 assigned;

22 (B) may provide for different periods of  
23 service, depending upon the nature of the posi-  
24 tion, including whether the position is in an  
25 area that is a combat zone for purposes of sec-

tion 112 of the Internal Revenue Code of 1986;  
and

(C) shall require that an employee 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 rota-

1 tional service shall participate in the training and  
2 education, if any, that is regularly provided to new  
3 employees by the covered agency or interagency body  
4 in which the employee is serving in order to learn  
5 how the covered agency or interagency body func-  
6 tions.

7 (7) PREVENTION OF NEED FOR INCREASED  
8 PERSONNEL LEVELS.—The Committee shall ensure  
9 that employees are rotated across covered agencies  
10 and interagency bodies within an ICI in a manner  
11 that ensures that, for the original ICI positions of  
12 all employees performing service in an ICI position  
13 in another covered agency or interagency body—

14 (A) employees from another covered agen-  
15 cy or interagency body who are performing  
16 service in an ICI position in another covered  
17 agency or interagency body, or other available  
18 employees, begin service in such original posi-  
19 tions within a reasonable period, at no addi-  
20 tional cost to the covered agency or the inter-  
21 agency body in which such original positions are  
22 located; or

23 (B) other employees do not need to serve  
24 in the positions in order to maintain the effec-  
25 tiveness of or to prevent any costs being ac-

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

4           (8) OPEN AND FAIR COMPETITION.—Each cov-  
5           ered agency or interagency body that has an ICI po-  
6           sition available for service by an employee from an-  
7           other covered agency shall coordinate with the Office  
8           of Personnel Management to ensure that employees  
9           of covered agencies selected to perform interagency  
10          rotational service shall be selected in a fully open  
11          and competitive manner that is consistent with the  
12          merit system principles set forth in paragraphs (1)  
13          and (2) of section 2301(b) of title 5, United States  
14          Code, unless the ICI position is otherwise exempt  
15          under another provision of law.

16          (9) PERSONNEL LAW MATTERS.—

17                (A) NATIONAL SECURITY EXCLUSION.—  
18           The identification of a position as available for  
19           service by an employee of another covered agen-  
20           cy or as being within an ICI shall not be a basis  
21           for an order under section 7103(b) of title 5,  
22           United States Code, excluding the covered  
23           agency, or a subdivision thereof, in which the  
24           position is located from the applicability of  
25           chapter 71 of such title.



1           (B) ON ROTATION.—An employee per-  
2           forming interagency rotational service shall  
3           have all the rights that would be available to  
4           the employee if the employee were detailed or  
5           assigned under a provision of law other than  
6           this subtitle from the agency employing the em-  
7           ployee to the agency in which the ICI position  
8           in which the employee is serving is located.

9           (10) CONSULTATION.—The Committee shall  
10          consult with relevant associations, unions, and other  
11          groups involved in collective bargaining or encour-  
12          aging public service, organizational reform of the  
13          Government, or interagency activities (such as the  
14          Simons Center for the Study of Interagency Co-  
15          operation of the Command and General Staff Col-  
16          lege Foundation) in formulating and implementing  
17          policies under this subtitle.

18          (11) OFFICERS OF THE ARMED FORCES.—The  
19          policies, procedures, and practices for the manage-  
20          ment of officers of the Armed Forces may provide  
21          for the assignment of officers of the Armed Forces  
22          to ICI positions or positions designated under sub-  
23          section (d)(3)(B)(ii).

24          (12) PERFORMANCE APPRAISALS.—The Com-  
25          mittee shall—

1 (A) ensure that an employee receives per-  
2 formance evaluations that are based primarily  
3 on the contribution of the employee to the work  
4 of the covered agency in which the employee is  
5 performing service in an ICI position in another  
6 covered agency or interagency body and the  
7 functioning of the applicable ICI; and

8 (B) require that—

9 (i) officials at the covered agency em-  
10 ploying the employee conduct the evalua-  
11 tions based on input from the supervisors  
12 of the employee during service in an ICI  
13 position in another covered agency or  
14 interagency body; and

15 (ii) the evaluations shall be provided  
16 the same weight in the receipt of pro-  
17 motions and other rewards by the employee  
18 from the covered agency employing the em-  
19 ployee as performance evaluations receive  
20 for other employees of the covered agency.

21 (f) SELECTION OF SENIOR POSITIONS IN AN INTER-  
22 AGENCY COMMUNITY OF INTEREST.—

23 (1) SELECTION OF INDIVIDUALS TO FILL SEN-  
24 IOR POSITIONS WITHIN AN ICI.—In selecting individ-  
25 uals to fill senior positions within an ICI, the head

1 of a covered agency shall ensure that a strong pref-  
2 erence is given to personnel who have performed  
3 interagency rotational service.

4 (2) ESTABLISHMENT BY HEADS OF COVERED  
5 AGENCIES OF MINIMUM THRESHOLDS.—

6 (A) IN GENERAL.—On October 1 of the  
7 2nd fiscal year after the fiscal year in which the  
8 Committee identifies an ICI, and October 1 of  
9 each fiscal year thereafter, the head of each  
10 covered agency within which 1 or more posi-  
11 tions within that ICI are located shall establish  
12 the minimum number of that agency's senior  
13 positions that are within that ICI that shall be  
14 filled by personnel who have performed inter-  
15 agency rotational service.

16 (B) REPORTING REQUIREMENTS.—

17 (i) MINIMUM NUMBER OF POSI-  
18 TIONS.—Not later than 30 days after the  
19 date on which all heads of covered agencies  
20 have established the minimum number re-  
21 quired under subparagraph (A) for a fiscal  
22 year, the Committee shall submit to Con-  
23 gress a consolidated list of the minimum  
24 numbers of senior positions that shall be

1 filled by personnel who have performed  
2 interagency rotational service.

3 (ii) FAILURE TO MEET MINIMUM NUM-  
4 BER.—Not later than 30 days after the  
5 end of any fiscal year in which a covered  
6 agency fails to meet the minimum number  
7 of senior positions to be filled by individ-  
8 uals who have performed interagency rota-  
9 tional service established by the head of  
10 the covered agency under subparagraph  
11 (A), the head of the covered agency shall  
12 submit to the Committee and Congress a  
13 report identifying the failure and indi-  
14 cating what actions the head of the covered  
15 agency has taken or plans to take in re-  
16 sponse to the failure.

17 (3) OTHER ROTATIONAL REQUIREMENTS.—

18 (A) CREDIT FOR SERVICE IN ANOTHER  
19 COMPONENT WITHIN AN AGENCY.—Service per-  
20 formed during the first 3 fiscal years after the  
21 fiscal year in which an ICI is identified by the  
22 Committee by an employee in a rotation to an  
23 ICI position in another component of the cov-  
24 ered agency that employs the employee that is  
25 identified under subparagraph (B) shall con-

1           stitute interagency rotational service for pur-  
2           poses of this section.

3           (B) IDENTIFICATION OF COMPONENTS.—

4           Subject to approval by the Committee, the head  
5           of a covered agency may identify the compo-  
6           nents of the covered agency that are sufficiently  
7           independent in functionality for service in a ro-  
8           tation in the component to qualify as service in  
9           another component of the covered agency for  
10          purposes of subparagraph (A).

11       (g) IMPLEMENTATION.—

12           (1) ICIS AND ICI POSITIONS.—

13           (A) IN GENERAL.—During each of the  
14           first 4 fiscal years after the fiscal year in which  
15           this Act is enacted—

16               (i) there shall be 2 ICIs, which shall  
17               be an ICI for emergency management and  
18               an ICI for stabilization and reconstruction;  
19               and

20               (ii) not less than 20 employees and  
21               not more than 25 employees in the execu-  
22               tive branch of the Government shall per-  
23               form service in an ICI position in another  
24               covered agency or in an interagency body

1 that is not within the agency employing  
2 the employee under this subtitle.

3 (B) LOCATION.—

4 (i) IN GENERAL.—The Committee  
5 shall designate a metropolitan area in  
6 which the ICI for emergency management  
7 will be located and a metropolitan area in  
8 which the ICI for stabilization and recon-  
9 struction will be located.

10 (ii) SERVICE.—During the first 4 fis-  
11 cal years after the fiscal year in which this  
12 Act is enacted, any service in an ICI posi-  
13 tion in another covered agency or in an  
14 interagency body that is not within the  
15 agency employing the employee shall be  
16 performed—

17 (I) by an employee who is located  
18 in a metropolitan area for the ICI  
19 designated under clause (i) before be-  
20 ginning service in the ICI position;  
21 and

22 (II) at a location in a metropoli-  
23 tan area for the ICI designated under  
24 clause (i).

1           (2) PRIORITY FOR DETAILS.—During the first  
2       4 fiscal years after the fiscal year in which this Act  
3       is enacted, a covered agency shall give priority in  
4       using amounts available to the covered agency for  
5       details to assigning employees on a rotational basis  
6       under this subtitle.

7       (h) STRATEGY AND PERFORMANCE EVALUATION.—

8           (1) ISSUING OF STRATEGY.—

9           (A) IN GENERAL.—Not later than October  
10       1 of the 3rd fiscal year after the fiscal year in  
11       which this Act is enacted, and every 4 fiscal  
12       years thereafter through the 11th fiscal year  
13       after the fiscal year in which this Act is en-  
14       acted, the Committee shall issue a National Se-  
15       curity Human Capital Strategy to develop the  
16       national security and homeland security per-  
17       sonnel necessary for accomplishing national se-  
18       curity and homeland security objectives that re-  
19       quire integration of personnel and activities  
20       from multiple agencies of the executive branch  
21       of the Government.

22           (B) CONSULTATIONS WITH CONGRESS.—In  
23       developing or making adjustments to the Na-  
24       tional Security Human Capital Strategy issued  
25       under subparagraph (A), the Committee—

1 (i) shall consult at least annually with  
2 Congress, including majority and minority  
3 views from all appropriate authorizing, ap-  
4 propriations, and oversight committees;  
5 and

6 (ii) as the Committee determines ap-  
7 propriate, shall solicit and consider the  
8 views and suggestions of entities poten-  
9 tially affected by or interested in the strat-  
10 egy.

11 (C) CONTENTS OF STRATEGY.—Each Na-  
12 tional Security Human Capital Strategy issued  
13 under subparagraph (A) shall—

14 (i) provide for the implementation of  
15 this subtitle;

16 (ii) identify best practices from ICIs  
17 already in operation;

18 (iii) identify any additional ICIs to be  
19 identified by the Committee;

20 (iv) include a schedule for the  
21 issuance of directives and establishment of  
22 standards relating to the requirements  
23 under this subtitle by the Committee;

24 (v) include a description of how the  
25 strategy incorporates views and sugges-



1           tions obtained through the consultations  
2           with Congress required under subpara-  
3           graph (B);

4           (vi) include an assessment of perform-  
5           ance measures over a multi-year period,  
6           such as—

7                   (I) the percentage of ICI posi-  
8                   tions available for service by employ-  
9                   ees from another covered agency for  
10                  which such employees performed such  
11                  service;

12                  (II) the number of personnel par-  
13                  ticipating in interagency rotational  
14                  service in each covered agency and  
15                  interagency body;

16                  (III) the length of interagency  
17                  rotational service under this subtitle;

18                  (IV) reports by the heads of cov-  
19                  ered agencies submitted under sub-  
20                  section (f)(2)(B)(ii);

21                  (V) the training and education of  
22                  personnel who perform interagency ro-  
23                  tational service, and the evaluation by  
24                  the Committee of the training and  
25                  education;

1 (VI) the positions (including  
2 grade level) held by employees who  
3 perform interagency rotational service  
4 during the period beginning on the  
5 date on which the interagency rota-  
6 tional service terminates and ending  
7 on the date of the assessment; and

8 (VII) to the extent possible, the  
9 evaluation of the Committee of the  
10 utility of interagency rotational service  
11 in improving interagency integration.

12 (2) REPORTS.—Not later than October 1 of the  
13 2nd fiscal year after a fiscal year in which the Com-  
14 mittee issues a National Security Human Capital  
15 Strategy under paragraph (1), the Committee shall  
16 assess the performance measures described in para-  
17 graph (1)(C)(vi).

18 (3) SUBMISSION TO CONGRESS.—Not later than  
19 30 days after the date on which the Committee  
20 issues a National Security Human Capital Strategy  
21 under paragraph (1) or assesses performance meas-  
22 ures under paragraph (2), the Committee shall sub-  
23 mit the strategy or assessment to Congress.

24 (i) GAO STUDY OF INTERAGENCY ROTATIONAL  
25 SERVICE.—Not later than the end of the 2nd fiscal year

1 after the fiscal year in which this Act is enacted, the  
2 Comptroller General of the United States shall submit to  
3 Congress a report regarding—

4 (1) the extent to which performing service in an  
5 ICI position in another covered agency or an inter-  
6 agency body under this subtitle enabled the employ-  
7 ees performing the service to gain an adequately de-  
8 tailed understanding of and perspective on the cov-  
9 ered agency or interagency body, including an as-  
10 sessment of the effect of—

11 (A) the period of service; and

12 (B) the duties performed by the employees  
13 during the service;

14 (2) the effectiveness of the Committee and the  
15 staff of the Committee funded under subsection  
16 (c)(5)(E)(ii) in overseeing and managing interagency  
17 rotational service under this subtitle, including an  
18 evaluation of any directives or standards issued by  
19 the Committee;

20 (3) the participation of covered agencies in  
21 interagency rotational service under this subtitle, in-  
22 cluding whether each covered agency that performs  
23 a mission relating to an ICI in effect—

24 (A) identified positions within the covered  
25 agency as ICI positions;

1 (B) had 1 or more employees from another  
2 covered agency perform service in an ICI posi-  
3 tion in the covered agency; or

4 (C) had 1 or more employees of the cov-  
5 ered agency perform service in an ICI position  
6 in another covered agency;

7 (4) the positions (including grade level) held by  
8 employees after completing interagency rotational  
9 service under this subtitle, and the extent to which  
10 the employees were rewarded for the service; and

11 (5) the extent to which or likelihood that inter-  
12 agency rotational service under this subtitle has im-  
13 proved or is expected to improve interagency inte-  
14 gration.

15 (j) PROHIBITION OF PRINTED REPORTS.—Each  
16 strategy, plan, report, or other submission required under  
17 this subtitle—

18 (1) shall be made available by the agency  
19 issuing the strategy, plan, report, or other submis-  
20 sion only in electronic form; and

21 (2) shall not be made available by the agency  
22 in printed form.

23 (k) EXCLUSION.—This subtitle shall not apply to any  
24 element of the intelligence community.

1 **TITLE XII—MATTERS RELATING**  
2 **TO FOREIGN NATIONS**  
3 **Subtitle A—Assistance and**  
4 **Training**

5 **SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PRO-**  
6 **GRAM IN AFGHANISTAN.**

7 (a) **AUTHORITY FOR FISCAL YEAR 2013.**—Sub-  
8 section (a) of section 1201 of the National Defense Au-  
9 thorization Act for Fiscal Year 2012 (Public Law 112–  
10 81; 125 Stat. 1619) is amended—

11 (1) in the heading, by striking “FISCAL YEAR  
12 2012” and inserting “FISCAL YEAR 2013”; and

13 (2) by striking “fiscal year 2012” and inserting  
14 “fiscal year 2013”.

15 (b) **QUARTERLY REPORTS.**—Subsection (b)(1) of  
16 such section is amended by striking “fiscal year 2012”  
17 and inserting “fiscal year 2013”.

18 (c) **EXTENSION OF AUTHORITY TO ACCEPT CON-**  
19 **TRIBUTIONS.**—Subsection (f) of such section is amended  
20 by striking “in fiscal year 2012” and inserting “during  
21 any period during which the authority of subsection (a)  
22 is in effect”.

1 **SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO**  
2 **PROGRAM TO BUILD THE CAPACITY OF FOR-**  
3 **EIGN MILITARY FORCES.**

4 (a) AUTHORIZED ELEMENTS.—Section 1206(b)(1) of  
5 the National Defense Authorization Act for Fiscal Year  
6 2006 (Public Law 109–163; 119 Stat. 3457), as amended  
7 by the John Warner National Defense Authorization Act  
8 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.  
9 2418), is further amended by striking “equipment, sup-  
10 plies and training” and inserting “equipment, supplies,  
11 training, and small-scale military construction activities”.

12 (b) USE OF FUNDS FOR FISCAL YEAR 2013.—Sub-  
13 section (c) of such section, as most recently amended by  
14 section 1204(a) of the National Defense Authorization Act  
15 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
16 1621), is further amended by adding at the end the fol-  
17 lowing:

18 “(6) USE OF FUNDS FOR FISCAL YEAR 2013.—

19 “(A) LIMITATION ON SMALL-SCALE MILI-  
20 TARY CONSTRUCTION ACTIVITIES.—Of amounts  
21 available under this subsection for the authority  
22 in subsection (a) for fiscal year 2013—

23 “(i) not more than \$750,000 may be  
24 obligated or expended for small-scale mili-  
25 tary construction activities (as described in

1 subsection (b)(1)) under a program au-  
2 thorized under subsection (a); and

3 “(ii) not more than \$25,000,000 may  
4 be obligated or expended for small-scale  
5 military construction activities (as de-  
6 scribed in subsection (b)(1)) under all pro-  
7 grams authorized under subsection (a).

8 “(B) AVAILABILITY OF FUNDS FOR PRO-  
9 GRAMS DURING FISCAL YEAR 2014.—

10 “(i) IN GENERAL.—Subject to clause  
11 (ii), not more than 20 percent of amounts  
12 available under this subsection for the au-  
13 thority in subsection (a) for fiscal year  
14 2013 may be obligated and expended to  
15 conduct or support a program authorized  
16 under subsection (a) during fiscal year  
17 2014.

18 “(ii) NOTIFICATION.—Whenever the  
19 Secretary of Defense decides, with the con-  
20 currence of the Secretary of State, to con-  
21 duct or support a program authorized  
22 under subsection (a) during fiscal year  
23 2014 using amounts described in clause  
24 (i), the Secretary of Defense shall submit  
25 to the congressional committees specified

1 in paragraph (3) of subsection (e) a notifi-  
 2 cation in writing of that decision in accord-  
 3 ance with such subsection by not later  
 4 than September 30, 2013.”.

5 **SEC. 1203. THREE-YEAR EXTENSION OF AUTHORITY FOR**  
 6 **NON-RECIPROCAL EXCHANGES OF DEFENSE**  
 7 **PERSONNEL BETWEEN THE UNITED STATES**  
 8 **AND FOREIGN COUNTRIES.**

9 Section 1207(f) of the National Defense Authoriza-  
 10 tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
 11 Stat. 2514; 10 U.S.C. 168 note) is amended by striking  
 12 “September 30, 2012” and inserting “September 30,  
 13 2015”.

14 **Subtitle B—Matters Relating to**  
 15 **Iraq, Afghanistan, and Pakistan**

16 **SEC. 1211. ONE-YEAR EXTENSION OF AUTHORITY FOR RE-**  
 17 **IMBURSEMENT OF CERTAIN COALITION NA-**  
 18 **TIONS FOR SUPPORT PROVIDED TO UNITED**  
 19 **STATES MILITARY OPERATIONS.**

20 (a) EXTENSION.—Subsection (a) of section 1233 of  
 21 the National Defense Authorization Act for Fiscal Year  
 22 2008 (Public Law 110–181; 122 Stat. 393), as most re-  
 23 cently amended by section 1213 of the National Defense  
 24 Authorization Act for Fiscal Year 2012 (Public Law 112–  
 25 81; 125 Stat. 1630), is further amended—



1           (1) by striking “fiscal year 2012” and inserting  
2           “fiscal year 2013”; and

3           (2) by striking “Operation Iraqi Freedom or”.

4           (b) LIMITATION ON AMOUNT AVAILABLE.—Sub-  
5 section (d)(1) of such section, as so amended, is further  
6 amended—

7           (1) by striking “fiscal year 2012” and inserting  
8           “fiscal year 2013”;

9           (2) by striking “\$1,690,000,000” and inserting  
10          “\$1,650,000,000”; and

11          (3) by adding at the end the following: “Of the  
12          aggregate amount specified in the preceding sen-  
13          tence, the total amount of reimbursements made  
14          under subsection (a) and support provided under  
15          subsection (b) to Pakistan during fiscal year 2013  
16          may not exceed \$650,000,000.”.

17          (c) ADDITIONAL LIMITATION ON REIMBURSEMENT  
18 OF THE GOVERNMENT OF PAKISTAN.—Such section, as  
19 so amended, is further amended—

20          (1) by redesignating subsection (f) as sub-  
21          section (g); and

22          (2) by inserting after subsection (e) the fol-  
23          lowing:

24          “(f) ADDITIONAL LIMITATION ON REIMBURSEMENT  
25 OF THE GOVERNMENT OF PAKISTAN.—In addition to the

1 other requirements of this section, reimbursements au-  
2 thorized by subsection (a) and the support authorized by  
3 subsection (b) may be made to the Government of Paki-  
4 stan for support of United States military operations for  
5 fiscal year 2013 only if the Secretary of Defense submits  
6 to the congressional defense committees the following:

7           “(1) A report that contains a description of—

8                   “(A) a model for reimbursement, including  
9                   how claims are proposed and adjudicated;

10                  “(B) new conditions or caveats that the  
11                  Government of Pakistan places on the use of its  
12                  supply routes; and

13                  “(C) the estimated differences in costs as-  
14                  sociated with transit through supply routes in  
15                  Pakistan for fiscal year 2011 as compared to  
16                  fiscal year 2013.

17           “(2) A certification of the Secretary of Defense  
18           that the Government of Pakistan is taking demon-  
19           strable steps to—

20                   “(A) supporting counterterrorism oper-  
21                   ations against Al Qaeda, its associated move-  
22                   ments, the Haqqani Network, and other domes-  
23                   tic and foreign terrorist organizations;

1           “(B) dismantling improvised explosive de-  
 2           vice (IED) networks and interdicting precursor  
 3           chemicals used in the manufacture of IEDs;

4           “(C) preventing the proliferation of nu-  
 5           clear-related material and expertise; and

6           “(D) issuing visas in a timely manner for  
 7           United States Government personnel supporting  
 8           counterterrorism efforts and assistance pro-  
 9           grams in Pakistan.

10          “(3) A certification of the Secretary of Defense  
 11          that the Government of Pakistan—

12               “(A) has opened the Ground Lines of  
 13               Communication;

14               “(B) is allowing the transit of NATO sup-  
 15               plies through Pakistan into Afghanistan; and

16               “(C) is supporting retrograde of United  
 17               States equipment out of Afghanistan.”.

18   **SEC. 1212. AUTHORITY TO SUPPORT OPERATIONS AND AC-**  
 19               **TIVITIES OF THE OFFICE OF SECURITY CO-**  
 20               **OPERATION IN IRAQ.**

21          (a) TYPES OF SUPPORT.—Subsection (b) of section  
 22   1215 of the National Defense Authorization Act for Fiscal  
 23   Year 2012 (Public Law 112–81; 125 Stat. 1631) is  
 24   amended—

1           (1) by striking “The operations” and inserting  
2           the following:

3           “(1) IN GENERAL.—The operations”; and

4           (2) by adding at the end the following:

5           “(2) TRAIN AND ASSIST.—The operations and  
6           activities that may be carried out by the Office of  
7           Security Cooperation in Iraq using funds provided  
8           under subsection (a) may, with the concurrence of  
9           the Secretary of State, include training and assisting  
10          Iraqi Ministry of Defense personnel.”.

11          (b) LIMITATION ON AMOUNT.—Subsection (c) of  
12          such section is amended by inserting at the end before  
13          the period the following: “and in fiscal year 2013 may not  
14          exceed \$508,000,000”.

15          (c) SOURCE OF FUNDS.—Subsection (d) of such sec-  
16          tion is amended—

17               (1) by inserting “or fiscal year 2013” after  
18               “fiscal year 2012”; and

19               (2) by striking “that fiscal year” and inserting  
20               “fiscal year 2012 or 2013, as the case may be,”.

21          (d) REPORT.—

22               (1) IN GENERAL.—Not later than 180 days  
23               after the date of the enactment of this Act, the Sec-  
24               retary of Defense, in consultation with the Secretary  
25               of State, shall submit to the appropriate congres-

1 sional committees a report on the Office of Security  
2 Cooperation in Iraq.

3 (2) MATTERS TO BE INCLUDED.—The report  
4 shall include the following:

5 (A) The plan to consolidate Office sites.

6 (B) The status of any pending requests for  
7 additional United States military forces for the  
8 Office.

9 (C) The legal status and legal protections  
10 provided to Office personnel, the operational  
11 impact of such status and protections, and the  
12 associated constraints on the operational capac-  
13 ity of such personnel by reason of their legal  
14 status.

15 (D) The operational and functional limita-  
16 tions and authorities of Office personnel.

17 (E) A description of potential direct  
18 threats to Office personnel and their capacity to  
19 provide adequate force protection to thwart  
20 those threats.

21 (3) FORM.—The report shall be submitted in  
22 unclassified form, but may contain a classified annex  
23 if necessary.

24 (4) DEFINITION.—In this section, the term  
25 “appropriate congressional committees” means—

1 (A) the congressional defense committees;  
2 and

3 (B) the Committee on Foreign Relations of  
4 the Senate and the Committee on Foreign Af-  
5 fairs of the House of Representatives.

6 **SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY TO USE**  
7 **FUNDS FOR REINTEGRATION ACTIVITIES IN**  
8 **AFGHANISTAN.**

9 Section 1216 of the Ike Skelton National Defense  
10 Authorization Act for Fiscal Year 2011 (Public Law 111–  
11 383; 124 Stat. 4392), as amended by section 1216 of the  
12 National Defense Authorization Act for Fiscal Year 2012  
13 (Public Law 112–81; 125 Stat. 1632), is further amend-  
14 ed—

15 (1) in subsection (a)—

16 (A) by striking “\$50,000,000” and insert-  
17 ing “\$35,000,000”; and

18 (B) by striking “in each of fiscal years  
19 2011 and 2012” and inserting “for fiscal year  
20 2013”; and

21 (2) in subsection (e)—

22 (A) by striking “utilize funds” and insert-  
23 ing “obligate funds”; and

24 (B) by striking “December 31, 2012” and  
25 inserting “December 31, 2013”.

1 **SEC. 1214. PROHIBITION ON USE OF PRIVATE SECURITY**  
2 **CONTRACTORS AND MEMBERS OF THE AF-**  
3 **GHAN PUBLIC PROTECTION FORCE TO PRO-**  
4 **VIDE SECURITY FOR MEMBERS OF THE**  
5 **ARMED FORCES AND MILITARY INSTALLA-**  
6 **TIONS AND FACILITIES IN AFGHANISTAN.**

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

9 (1) According to the Department of Defense, as  
10 of February 1, 2012, there had been 42 insider at-  
11 tacks on coalition forces since 2007 by the Afghan  
12 National Army, Afghan National Police, or Afghan  
13 nationals hired by private security contractors to  
14 guard United States bases and facilities in Afghani-  
15 stan.

16 (2) The Department of Defense data shows  
17 that the trend of insider attacks is increasing.

18 (3) Members of the Armed Forces of the  
19 United States continue to be garrisoned and housed  
20 in facilities and installations in Afghanistan that are  
21 guarded by private security contractors and not by  
22 United States or coalition forces.

23 (4) President Karzai has prohibited the use of  
24 private security contractors in Afghanistan and de-  
25 termined that beginning in March, 2012, the Afghan  
26 Ministry of Interior will provide Afghan Public Pro-

1        tection Forces on a reimbursable basis to those de-  
2        siring to contract for additional security.

3            (5) The Afghan Ministry of Interior will have  
4        the primary responsibility for screening and vetting  
5        the Afghan nationals who will comprise the Afghan  
6        Public Protection Force.

7            (6) The current force levels in Afghanistan are  
8        necessary to accomplish the International Security  
9        Assistance Force mission and force protection for  
10       members of the Armed Forces garrisoned and  
11       housed in Afghanistan should not come at the ex-  
12       pense of mission success.

13           (7) The President of the United States has  
14       begun to draw down United States military forces in  
15       Afghanistan and has committed to continue this  
16       drawdown through 2014.

17           (8) The redeployment phase of any military op-  
18       eration brings increasing vulnerabilities to members  
19       of the Armed Forces.

20           (9) It is the responsibility of the Commander in  
21       Chief to provide for the security for members of the  
22       Armed Forces deployed to Afghanistan and to miti-  
23       gate internal threats to such forces to the greatest  
24       extent possible, while continuing to meet the objec-  
25       tives of the International Security Assistance Force



1 mission in Afghanistan, including the training and  
2 equipping of the Afghan National Security Forces in  
3 order that they may provide for their own security.

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

6 (1) the best security and force protection for  
7 members of the Armed Forces garrisoned and  
8 housed in Afghanistan should be provided;

9 (2) better security and force protection for  
10 members of the Armed Forces garrisoned and  
11 housed in Afghanistan can be provided by United  
12 States military personnel than private security con-  
13 tractors or members of the Afghan Public Protection  
14 Force;

15 (3) the President should take action in light of  
16 the increased risk to members of the Armed Forces  
17 during this transitional period in Afghanistan and  
18 the increasing number of insider attacks; and

19 (4) the United States remains committed to  
20 mission success in Afghanistan in light of the na-  
21 tional security interests in the region and the sac-  
22 rifice and commitment of the United States Armed  
23 Forces over the last ten years.

24 (c) PROHIBITION.—Notwithstanding section 2465 of  
25 title 10, United States Code, funds appropriated to the

1 Department of Defense may not be obligated or expended  
2 for the purpose of—

3 (1) entering into a contract for the performance  
4 of security-guard functions at a military installation  
5 or facility in Afghanistan at which members of the  
6 Armed Forces deployed to Afghanistan are garri-  
7 soned or housed;

8 (2) otherwise employing private security con-  
9 tractors to provide security for members of the  
10 Armed Forces deployed to Afghanistan; or

11 (3) employing the Afghan Public Protection  
12 Force to provide security for such members or to  
13 perform such security-guard functions at such a  
14 military installation or facility.

15 (d) REQUIREMENT.—

16 (1) IN GENERAL.—The President shall ensure  
17 that as many appropriately trained members of the  
18 Armed Forces of the United States as are necessary  
19 are available to—

20 (A) perform security-guard functions at all  
21 military installations and facilities in Afghani-  
22 stan at which members of the Armed Forces  
23 deployed to Afghanistan are garrisoned or  
24 housed;

1 (B) provide security for members of the  
2 Armed Forces deployed to Afghanistan; and

3 (C) provide adequate counterintelligence  
4 support for such members.

5 (2) RELATIONSHIP TO OTHER REQUIREMENTS  
6 AND LIMITATIONS.—The members of the Armed  
7 Forces required to be made available under para-  
8 graph (1) shall be in addition to—

9 (A) the number of such members who are  
10 deployed to Afghanistan to support the require-  
11 ments of the North Atlantic Treaty Organiza-  
12 tion mission in Afghanistan and the military  
13 campaign plan of the Commander of the Inter-  
14 national Security and Assistance Force; and

15 (B) any limitation on force levels that may  
16 be in effect.

17 (e) WAIVER.—The President may waive the prohibi-  
18 tion under subsection (c) and the requirement under sub-  
19 section (d) if the President submits to Congress a certifi-  
20 cation in writing that—

21 (1) the use of private security contractors or  
22 the Afghan Public Protection Force can provide a  
23 level of security and force protection for members of  
24 the Armed Forces deployed to Afghanistan that is at  
25 least equal to the security and force protection that

1 can be provided by members of the Armed Forces;  
2 and

3 (2) the Secretary of Defense has ensured that  
4 all employees of private security contractors and  
5 members of the Afghan Public Protection Force pro-  
6 viding security or force protection for members of  
7 the Armed Forces deployed to Afghanistan are inde-  
8 pendently screened and vetted by members of the  
9 Armed Forces of the United States.

10 (f) REPORT.—

11 (1) IN GENERAL.—Not later than 30 days after  
12 the end of each quarter of fiscal years 2013 and  
13 2014, the Secretary of Defense shall submit to the  
14 congressional defense committees a report on the fol-  
15 lowing:

16 (A) Data on attempted and successful at-  
17 tacks by the Afghan National Security Forces,  
18 the Afghan Public Protection Force, and pri-  
19 vate security contractors on United States  
20 Armed Forces and civilian personnel of the De-  
21 partment of Defense.

22 (B) The number of members of the United  
23 States Armed Forces and civilian personnel of  
24 the Department of Defense wounded or killed  
25 due to such attacks.

1 (C) A description of tactical or covert  
2 methods used in such attacks and a description  
3 of motivations for such attacks.

4 (2) ADDITIONAL INFORMATION.—The first re-  
5 port submitted following the date of the enactment  
6 of this Act and the report submitted for the first  
7 quarter of fiscal year 2014 shall also include the fol-  
8 lowing:

9 (A) Actions the Department of Defense is  
10 taking to monitor indicators and early warning  
11 signs of infiltration or co-option of the Afghan  
12 National Security Forces, the Afghan Public  
13 Protection Force, and private security contrac-  
14 tors.

15 (B) The methodology and systematic ap-  
16 proach to resolving disputes between the Af-  
17 ghan National Security Forces and United  
18 States Armed Forces and civilian personnel of  
19 the Department of Defense when such disputes  
20 arise.

21 (g) DEFINITION.—In this section, the term “mem-  
22 bers of the Armed Forces deployed to Afghanistan” means  
23 members of the Armed Forces deployed to Afghanistan  
24 in support of the International Security Assistance Force  
25 in Afghanistan and members of the Armed Forces of the

1 United States deployed to Afghanistan in support of Oper-  
2 ation Enduring Freedom.

3 **SEC. 1215. REPORT ON UPDATES AND MODIFICATIONS TO**  
4 **CAMPAIGN PLAN FOR AFGHANISTAN.**

5 (a) REPORT REQUIRED.—Not later than 180 days  
6 after the date on which any substantial update or modi-  
7 fication is made to the campaign plan for Afghanistan (in-  
8 cluding the supporting and implementing documents for  
9 such plan), the Comptroller General of the United States  
10 shall submit to the congressional defense committees a re-  
11 port on the updated or modified plan, including an assess-  
12 ment of the updated or modified plan.

13 (b) EXCEPTION.—The requirement to submit a re-  
14 port under subsection (a) on any substantial update or  
15 modification to the campaign plan for Afghanistan shall  
16 not apply if the Comptroller General—

17 (1) determines that a report submitted to Con-  
18 gress by the Comptroller General before the date of  
19 the enactment of this Act substantially meets the re-  
20 quirement to submit the report under subsection (a);  
21 and

22 (2) notifies the congressional defense commit-  
23 tees in writing of the determination under paragraph  
24 (1).

1 (c) TERMINATION.—The requirement to submit a re-  
2 port under subsection (a) on any substantial update or  
3 modification to the campaign plan for Afghanistan shall  
4 terminate on September 30, 2014.

5 (d) REPEAL.—Section 1226 of the National Defense  
6 Authorization Act for Fiscal Year 2010 (Public Law 111–  
7 84; 123 Stat. 2525) is repealed.

8 **SEC. 1216. UNITED STATES MILITARY SUPPORT IN AFGHAN-**  
9 **ISTAN.**

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

12 (1) following Al Qaeda’s attacks on the United  
13 States on September 11, 2001, United States and  
14 coalition forces have achieved significant progress to-  
15 ward security and stability in Afghanistan;

16 (2) as the United States completes transfer of  
17 the lead for security to the Afghan National Security  
18 Forces by the end of 2014, the United States should  
19 ensure that the gains in security are maintained;

20 (3) the United States mission in Afghanistan  
21 continues to be to disrupt, dismantle, and defeat al  
22 Qaeda, as well as to prevent its return to either Af-  
23 ghanistan or Pakistan;

24 (4) the specific objectives in Afghanistan are to  
25 deny safe haven to Al Qaeda and to deny the

1 Taliban the ability to overthrow the Afghan Govern-  
2 ment;

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

8 (6) the Haqqani Network provides unique capa-  
9 bilities and capacity to the Afghan Taliban, and ad-  
10 ditionally, serves as a combat multiplier to the Af-  
11 ghan insurgency due to its geographic primacy over  
12 the key terrain of the Paktika, Paktia, and Khost  
13 provinces, as well as North and South Waziristan,  
14 and willingness to introduce international weaponry  
15 and technology into the battle space and serve as the  
16 reception point and integrator of international for-  
17 eign fighters into the Afghan insurgency;

18 (7) the Haqqani Network has been the most  
19 important Afghan-based protector of Al Qaeda;

20 (8) the unique capabilities and effects brought  
21 to the battle space by the Haqqani Network neces-  
22 sitate that the Government of Afghanistan should  
23 have superior operational capacity in order to main-  
24 tain the security of Afghanistan over time;



1           (9) the United States military should not main-  
2           tain an indefinite combat mission in Afghanistan  
3           and should transition to a counter-terrorism and ad-  
4           vise and assist mission at the earliest practicable  
5           date, consistent with conditions on the ground;

6           (10) significant uncertainty exists within Af-  
7           ghanistan regarding the level of future United  
8           States military support; and

9           (11) in order to reduce this uncertainty, and to  
10          promote further stability and security in Afghani-  
11          stan, the President should—

12                 (A) fully consider the International Secu-  
13                 rity Assistance Force Commander’s assessment  
14                 regarding the need for the United States to  
15                 maintain a “significant combat presence  
16                 through 2013”;

17                 (B) maintain a force of at least 68,000  
18                 troops through December 31, 2014, unless  
19                 fewer forces can achieve United States objec-  
20                 tives;

21                 (C) maintain a credible troop presence  
22                 after December 31, 2014, sufficient to conduct  
23                 counter-terrorism and train and advise the Af-  
24                 ghan National Security Forces, consistent with

1 the Strategic Partnership Agreement (signed on  
2 May 2, 2012); and

3 (D) maintain sufficient funding for the Af-  
4 ghan National Security Forces to accomplish  
5 the objectives described in paragraphs (3), (4),  
6 and (8).

7 (b) NOTIFICATION.—The President shall notify the  
8 congressional defense committees of any decision to reduce  
9 the number of United States Armed Forces deployed in  
10 Afghanistan below the number of such Armed Forces de-  
11 ployed in Afghanistan on—

12 (1) December 31, 2012;

13 (2) December 31, 2013; and

14 (3) December 31, 2014,

15 prior to any public announcement of any such decision to  
16 reduce the number of United States Armed Forces de-  
17 ployed in Afghanistan.

18 (c) MATTERS TO INCLUDE IN NOTIFICATION.—As  
19 part of a notification required by subsection (b), the Presi-  
20 dent shall—

21 (1) provide an assessment of the relevant secu-  
22 rity risk metrics associated with the marginal reduc-  
23 tion in force levels; and

24 (2) provide a by-unit assessment of the oper-  
25 ational capability of the Afghan National Security

1 Forces to independently conduct the required oper-  
 2 ations to maintain security in Afghanistan.

3 **SEC. 1217. EXTENSION AND MODIFICATION OF PAKISTAN**  
 4 **COUNTERINSURGENCY FUND.**

5 (a) IN GENERAL.—Section 1224(h) of the National  
 6 Defense Authorization Act for Fiscal Year 2010 (Public  
 7 Law 111–84; 123 Stat. 2521), as most recently amended  
 8 by section 1220 of the National Defense Authorization Act  
 9 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
 10 1633), is further amended by striking “September 30,  
 11 2012” both places it appears and inserting “September  
 12 30, 2013”.

13 (b) LIMITATION ON FUNDS SUBJECT TO REPORT  
 14 AND UPDATES.—Section 1220(b) of the National Defense  
 15 Authorization Act for Fiscal Year 2012 (Public Law 112–  
 16 81; 125 Stat. 1633) is amended—

17 (1) in the heading of paragraph (1), by insert-  
 18 ing “FOR FISCAL YEAR 2012” after “FUNDS”;

19 (2) by redesignating paragraphs (2), (3), and  
 20 (4) as paragraphs (3), (4), and (5), respectively;

21 (3) by inserting after paragraph (1) the fol-  
 22 lowing:

23 “(2) LIMITATION ON FUNDS FOR FISCAL YEAR  
 24 2013; REPORT REQUIRED.—Of the amounts appro-  
 25 priated or transferred to the Fund for fiscal year

2013, not more than 10 percent of such amounts may be obligated or expended until 30 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees an update of the report required under paragraph (1).”;

(4) in paragraph (3) (as redesignated)—

(A) by inserting “after fiscal year 2013” after “any fiscal year”;

(B) by striking “requested to be”; and

(C) by striking “at the same time that the President’s budget is submitted pursuant to section 1105(a) of title 31, United States Code” and inserting “not later than 45 days 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)”.

**SEC. 1218. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**

(a) IN GENERAL.—Section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law

1 110–181; 122 Stat. 385), as most recently amended by  
2 section 1218(a) of the National Defense Authorization Act  
3 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
4 1632), is further amended—

5 (1) by redesignating subsections (e), (f), and  
6 (g) as subsections (f), (g), and (h), respectively; and

7 (2) by inserting after subsection (d) the fol-  
8 lowing:

9 “(e) ADDITIONAL MATTERS TO BE INCLUDED ON  
10 AFGHANISTAN NATIONAL SECURITY FORCES.—In report-  
11 ing on performance indicators and measures of progress  
12 required under subsection (d)(2)(D), the report required  
13 under subsection (a) shall assess the following:

14 “(1) For overall Afghanistan National Security  
15 Forces (ANSF):

16 “(A) Overall Afghan National Army  
17 (ANA) and Afghan National Police (ANP) lit-  
18 eracy rate; ANA and ANP literacy rate by re-  
19 gion; ANSF literacy rate by Kandak, Brigade,  
20 and Corps; trends over time; and how literacy  
21 improvements have enhanced associated mission  
22 essential competencies and professionalization  
23 of the ANSF.

24 “(B) An assessment of the ANA and the  
25 ANP interaction with the Afghan civilian popu-

1           lation, respect for human rights, and associated  
2           professional education.

3           “(C) By fiscal year (current and one-year  
4           projected) budget requirements.

5           “(D) A by-country outline of contributions  
6           for the current fiscal year and one-year pro-  
7           jected fiscal year.

8           “(E) By-Kandak Mission Essential Task  
9           List proficiency.

10          “(2) For recruitment:

11           “(A) Outline of screening criteria.

12           “(B) Literacy rate of all recruits.

13           “(C) Outline of the security vetting proce-  
14          dures.

15           “(D) Percentage screened that are not eli-  
16          gible to serve.

17           “(E) Percentage screened that report for  
18          entry level training.

19           “(F) Percentage attained of the required  
20          ANA end strength, of the ANP end strength,  
21          and overall ANSF end strength.

22           “(G) Trends in each above mentioned cat-  
23          egory from the prior fiscal year through the  
24          current report deadline.

25          “(3) For entry-level training:

1           “(A) Percentage that entered and success-  
2 fully complete training.

3           “(B) A by-specialty list of all recruits that  
4 fail to graduate entry level training for the  
5 ANA and ANP.

6           “(C) Percentage of recruits that become  
7 unaccounted (UA) for or are ‘Absent Without  
8 Leave’ (AWOL) during training.

9           “(D) Trends in each above mentioned cat-  
10 egory from the prior fiscal year through the  
11 current report deadline.

12          “(4) For personnel administration:

13           “(A) Percentage of the ANSF that was  
14 paid on time.

15           “(B) UA/AWOL rate by Kandak, Brigade,  
16 and Corps.

17           “(C) Trends in each above mentioned cat-  
18 egory from the prior fiscal year through the  
19 current report deadline.

20          “(5) For professionalization of the ANSF:

21           “(A) Percentage of noncommissioned offi-  
22 cer corps personnel as compared to noncommis-  
23 sioned officer corps end-strength requirements.

1           “(B) Number of enlisted, noncommissioned  
2 officer corps, and officers that complete con-  
3 tinuing education.

4           “(C) An assessment of the noncommis-  
5 sioned officer corps continuing education pro-  
6 gram.

7           “(6) For retention:

8           “(A) On average time ANA and ANP per-  
9 sonnel remain in their respective units.

10           “(B) By-fiscal year, by-Kandak percentage  
11 of personnel retained and personnel attrition  
12 from the prior fiscal year through the current  
13 report deadline.

14           “(7) For logistics:

15           “(A) On average percentage shortfall, by  
16 Kandak, of Class I-IX supplies, which includes  
17 Class I - Food, rations, and water; Class II –  
18 Clothing; Class III - Petroleum, oils, and lubri-  
19 cants; Class IV - Fortification and barrier ma-  
20 terials; Class V – Ammunition; Class VII -  
21 Major End Items; Class VIII - Medical sup-  
22 plies; and Class IX - Repair Parts.

23           “(B) On average number of days to fill  
24 supply requests to address operational short-  
25 falls.



1           “(C) Operational readiness rate for all mis-  
2           sion essential equipment by Kandak, Brigade,  
3           and Corps.

4           “(8) For transition:

5           “(A) Provide the framework that ISAF, in  
6           conjunction with the Afghan government, uses  
7           to synthesize ANSF performance metrics and  
8           adjudicate transition of ANSF units through  
9           proficiency levels.

10          “(B) A by-Kandak analysis of the on aver-  
11          age time to transition between proficiency levels  
12          since inception of the ANSF transition.

13          “(C) A by-region overview of the force  
14          structure mix that is correlated with the evo-  
15          lution of threat picture in the region.”.

16          (b) EFFECTIVE DATE.—The amendments made this  
17          section apply with respect to any report required to be  
18          submitted under section 1230 of the National Defense Au-  
19          thorization Act for Fiscal Year 2008 (Public Law 110–  
20          181; 122 Stat. 385) on or after the date of the enactment  
21          of this Act.

22          **SEC. 1219. LIMITATION ON USE OF FUNDS UNDER THE**  
23          **PAKISTAN COUNTERINSURGENCY FUND.**

24          (a) LIMITATION.—None of the funds authorized to  
25          be appropriated by this Act for the Pakistan Counter-

1 insurgency Fund may be used to provide assistance to the  
2 Government of Pakistan until the Secretary of Defense,  
3 in consultation with the Secretary of State, certifies to the  
4 appropriate congressional committees that the Govern-  
5 ment of Pakistan is demonstrating a continuing commit-  
6 ment to and is making significant efforts toward the im-  
7 plementation of a strategy to counter improvised explosive  
8 devices (IEDs), including—

9 (1) attacking IED networks;

10 (2) monitoring known precursors used in IEDs;

11 and

12 (3) developing a strict protocol for the manufac-  
13 ture of explosive materials, including calcium ammo-  
14 nium nitrate, and accessories and their supply to le-  
15 gitimate end users.

16 (b) WAIVER.—The Secretary of Defense, in consulta-  
17 tion with the Secretary of State, may waive the require-  
18 ments of subsection (a) if the Secretary determines it is  
19 in the national security interest of the United States to  
20 do so.

21 (c) DEFINITION.—In this section, the term “appro-  
22 priate congressional committees” means—

23 (1) the congressional defense committees; and

1           (2) the Committee on Foreign Relations of the  
2       Senate and the Committee on Foreign Affairs of the  
3       House of Representatives.

4       **Subtitle C—Matters Relating to**  
5                           **Iran**

6       **SEC. 1221. DECLARATION OF POLICY.**

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

9           (1) Iran, which has long sought to foment in-  
10       stability and promote extremism in the Middle East,  
11       is now seeking to exploit the dramatic political tran-  
12       sition underway in the region to undermine govern-  
13       ments traditionally aligned with the United States  
14       and support extremist political movements in these  
15       countries.

16          (2) At the same time, Iran may soon attain a  
17       nuclear weapons capability, a development that  
18       would threaten United States interests, destabilize  
19       the region, encourage regional nuclear proliferation,  
20       further empower and embolden Iran, the world's  
21       leading state sponsor of terrorism, and provide it the  
22       tools to threaten its neighbors, including Israel.

23          (3) With the assistance of Iran over the past  
24       several years, Syria, Hezbollah, and Hamas have in-  
25       creased their stockpiles of rockets, with more than

1       60,000 rockets now ready to be fired at Israel. Iran  
2       continues to add to its arsenal of ballistic missiles  
3       and cruise missiles, which threaten Iran’s neighbors,  
4       Israel, and United States Armed Forces in the re-  
5       gion.

6               (4) Preventing Iran from acquiring a nuclear  
7       weapon is among the most urgent national security  
8       challenges facing the United States.

9               (5) Successive United States administrations  
10      have stated that an Iran armed with a nuclear weap-  
11      on is unacceptable.

12              (6) President Obama stated on January 24,  
13      2012, “Let there be no doubt: America is deter-  
14      mined to prevent Iran from getting a nuclear weap-  
15      on, and I will take no options off the table to achieve  
16      that goal.”.

17              (7) In order to prevent Iran from developing  
18      nuclear weapons, the United States, in cooperation  
19      with its allies, must utilize all elements of national  
20      power including diplomacy, robust economic sanc-  
21      tions, and credible, visible preparations for a mili-  
22      tary option.

23              (8) Nevertheless, to date, diplomatic overtures,  
24      sanctions, and other non-kinetic actions toward Iran

1       have not caused the Government of Iran to abandon  
2       its nuclear weapons program.

3           (9) With the impact of additional sanctions un-  
4       certain, additional pressure on the Government of  
5       Iran could come from the credible threat of military  
6       action against Iran's nuclear program.

7       (b) DECLARATION OF POLICY.—It shall be the policy  
8       of the United States to take all necessary measures, in-  
9       cluding military action if required, to prevent Iran from  
10      threatening the United States, its allies, or Iran's neigh-  
11      bors with a nuclear weapon.

12   **SEC. 1222. UNITED STATES MILITARY PREPAREDNESS IN**  
13                           **THE MIDDLE EAST.**

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

16           (1) military exercises conducted in the Persian  
17      Gulf and Gulf of Oman emphasize the United States  
18      resolve and the policy of the United States described  
19      in section 1221(b) by enhancing the readiness of the  
20      United States military and allied forces, as well as  
21      signaling to the Government of Iran the commitment  
22      of the United States to defend its vital national se-  
23      curity interests; and

24           (2) the President, as Commander in Chief,  
25      should augment the presence of the United States

1 Fifth Fleet in the Middle East and to conduct mili-  
2 tary deployments, exercises, or other visible, concrete  
3 military readiness activities to underscore the policy  
4 of the United States described in section 1221(b).

5 (b) PLAN.—

6 (1) IN GENERAL.—The Secretary of Defense  
7 shall prepare a plan to augment the presence of the  
8 United States Fifth Fleet in the Middle East and to  
9 conduct military deployments, exercises, or other  
10 visible, concrete military readiness activities to un-  
11 derscore the policy of the United States described in  
12 section 1221(b).

13 (2) MATTERS TO BE INCLUDED.—The plan re-  
14 quired under paragraph (1) shall include, at a min-  
15 imum, steps necessary for the Armed Forces to sup-  
16 port the policy of the United States described in sec-  
17 tion 1221(b), including—

18 (A) pre-positioning sufficient supplies of  
19 aircraft, munitions, fuel, and other materials  
20 for both air- and sea-based missions at key for-  
21 ward locations in the Middle East and Indian  
22 Ocean;

23 (B) maintaining sufficient naval assets in  
24 the region necessary to signal United States re-  
25 solve and to bolster United States capabilities

1 to launch a sustained sea and air campaign  
2 against a range of Iranian nuclear and military  
3 targets, to protect seaborne shipping, and to  
4 deny Iranian retaliation against United States  
5 interests in the region;

6 (C) discussing the viability of deploying at  
7 least two United States aircraft carriers, an ad-  
8 ditional large deck amphibious ship, and a Mine  
9 Countermeasures Squadron in the region on a  
10 continual basis, in support of the actions de-  
11 scribed in subparagraph (B); and

12 (D) conducting naval fleet exercises similar  
13 to the United States Fifth Fleet's major exer-  
14 cise in the region in March 2007 to dem-  
15 onstrate ability to keep the Strait of Hormuz  
16 open and to counter the use of anti-ship mis-  
17 siles and swarming high-speed boats.

18 (3) SUBMISSION TO CONGRESS.—The plan re-  
19 quired under paragraph (1) shall be submitted to  
20 the congressional defense committees not later than  
21 120 days after the date of enactment of this Act.

22 **SEC. 1223. ANNUAL REPORT ON MILITARY POWER OF IRAN.**

23 (a) IN GENERAL.—Section 1245 of the National De-  
24 fense Authorization Act for Fiscal Year 2010 (Public Law  
25 111–84; 123 Stat. 2542) is amended—

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

3           (2) by inserting after subsection (b) the fol-  
4           lowing:

5           “(c) COMBATANT COMMANDER ASSESSMENT.—The  
6           report required under subsection (a) shall include an  
7           annex, in classified or unclassified form, that includes an  
8           identification and assessment of the Commander of the  
9           United States Central Command on the following:

10           “(1) Any critical gaps in intelligence that limit  
11           the ability of the Commander to counter threats  
12           emanating from Iran.

13           “(2) Any gaps in the capabilities, capacity, and  
14           authorities of the Commander to counter Iranian  
15           threats to United States Armed Forces and United  
16           States interests in the region.

17           “(3) Any gaps in the capabilities and capacity  
18           of the Commander to take military action against  
19           Iran to prevent Iran from developing a nuclear  
20           weapon.

21           “(4) Any other matters the Commander con-  
22           siders to be relevant.”.

23           (b) EFFECTIVE DATE.—The amendments made by  
24           subsection (a) take effect on the date of the enactment  
25           of this Act and apply with respect to each report required



1 to be submitted under section 1245 of the National De-  
2 fense Authorization Act for Fiscal Year 2010 on or after  
3 such date of enactment.

4 **SEC. 1224. ENHANCING THE DEFENSE OF ISRAEL AND**  
5 **UNITED STATES INTERESTS IN THE MIDDLE**  
6 **EAST.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the United States should take the following ac-  
9 tions to assist in the defense of Israel:

10 (1) Provide Israel such support as may be nec-  
11 essary to increase development and production of  
12 joint missile defense systems, particularly such sys-  
13 tems that defend the urgent threat posed to Israel  
14 and United States forces in the region.

15 (2) Provide Israel defense articles, intelligence,  
16 and defense services through such mechanisms as  
17 appropriate, to include air refueling tankers, missile  
18 defense capabilities, and specialized munitions.

19 (3) Allocate additional weaponry and munitions  
20 for the forward-deployed United States stockpile in  
21 Israel.

22 (4) Provide Israel additional surplus defense ar-  
23 ticles and defense services, as appropriate, in the  
24 wake of the withdrawal of United States forces from  
25 Iraq.

1           (5) Offer the Israeli Air Force additional train-  
2           ing and exercise opportunities in the United States  
3           to compensate for Israel's limited air space.

4           (6) Expand Israel's authority to make pur-  
5           chases under section 23 of the Arms Export Control  
6           Act (relating to the "Foreign Military Financing"  
7           program) on a commercial basis.

8           (7) Seek to enhance the capabilities of the  
9           United States and Israel to address emerging com-  
10          mon threats, increase security cooperation, and ex-  
11          pand joint military exercises.

12          (8) Encourage an expanded role for Israel with-  
13          in the North Atlantic Treaty Organization (NATO),  
14          including an enhanced presence at NATO head-  
15          quarters and exercises.

16          (9) Support extension of the long-standing loan  
17          guarantee program for Israel, recognizing Israel's  
18          unbroken record of repaying its loans on time and  
19          in full.

20          (10) Expand already-close intelligence coopera-  
21          tion, including satellite intelligence, with Israel.

22          (b) REPORT ON ISRAEL'S QUALITATIVE MILITARY  
23          EDGE.—

24               (1) STATEMENT OF POLICY.—It is the policy of  
25          the United States—

1 (A) to help Israel preserve its qualitative  
2 military edge amid rapid and uncertain regional  
3 political transformation; and

4 (B) to encourage further development of  
5 advanced technology programs between the  
6 United States and Israel in light of current  
7 trends and instability in the region.

8 (2) REPORT.—Not later than 180 days after  
9 the date of the enactment of this Act, the President  
10 shall submit to the appropriate congressional com-  
11 mittees a report on the status of Israel’s qualitative  
12 military edge in light of current trends and insta-  
13 bility in the region.

14 (c) REPORT ON OTHER MATTERS.—Not later than  
15 180 days after the date of the enactment of this Act, the  
16 President shall submit to the appropriate congressional  
17 committees a report on each of the following:

18 (1) Taking into account Israel’s urgent require-  
19 ment for F–35 aircraft, actions to improve the proc-  
20 ess relating to Israel’s purchase of F–35 aircraft to  
21 improve cost efficiency and timely delivery.

22 (2) Efforts to expand cooperation between the  
23 United States and Israel in homeland defense,  
24 counter-terrorism, maritime security, cybersecurity,  
25 and other appropriate areas.

1           (3) Actions to integrate Israel into the defense  
2           of the Eastern Mediterranean.

3   **SEC. 1225. PLAN TO ENHANCE MILITARY CAPABILITIES OF**  
4           **PERSIAN GULF ALLIES.**

5           (a) PLAN.—The Secretary of Defense, in consultation  
6   with the Secretary of State, shall develop a plan to en-  
7   hance the military capabilities of Persian Gulf allies to bol-  
8   ster the posture of such allies in relation to Iran.

9           (b) MATTERS TO BE INCLUDED.—The plan required  
10   under subsection (a) shall include the following:

11           (1) A description of the means to augment the  
12       offensive strike capabilities of key Gulf Cooperation  
13       Council allies, including the potential sale or up-  
14       grades of strike attack aircraft and bunker buster  
15       munitions, to augment the viability of a credible  
16       military option and to strengthen such allies' self-de-  
17       fense capabilities against retaliation or military ag-  
18       gression by Iran.

19           (2) A needs-based assessment, or an update to  
20       an existing needs-based assessment, of the military  
21       requirements of Persian Gulf allies to support a  
22       credible military option and to defend against poten-  
23       tial military aggression by Iran.

24           (3) A detailed summary of any arms sales and  
25       training requests by Persian Gulf allies and a de-

1       scription and justification for United States actions  
2       taken.

3       (c) RULE OF CONSTRUCTION.—Nothing in the plan  
4       required under subsection (a) shall be construed to alter  
5       Israel’s qualitative military edge.

6       (d) SUBMISSION TO CONGRESS.—The plan required  
7       under subsection (a) shall be submitted to the appropriate  
8       congressional committees not later than 180 days after the  
9       date of the enactment of this Act.

10      (e) FORM.—The plan required under subsection (a)  
11      shall be submitted in an unclassified form, but may con-  
12      tain a classified annex.

13      **SEC. 1226. PLAN TO INCREASE STRATEGIC REGIONAL**  
14                                   **PARTNERSHIPS.**

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

16           (1) The United States should ensure that it has  
17           the broadest set of geographic approaches to mili-  
18           tarily access Iran.

19           (2) United States Armed Forces and support  
20           staff currently have access from the eastern, south-  
21           ern, and western borders of Iran.

22           (3) Azerbaijan borders the northern frontier of  
23           Iran closest to nuclear sites near Tehran and the  
24           Government of Azerbaijan cooperates with the

1 United States on Caspian Sea security and energy  
2 issues.

3 (b) POLICY.—It shall be the policy of the United  
4 States to—

5 (1) increase pressure on Iran by providing  
6 United States Armed Forces with the broadest set  
7 of geographic approaches to militarily access Iran;  
8 and

9 (2) explore means to enhance access to military  
10 facilities on the northern border of Iran.

11 (c) PLAN.—

12 (1) IN GENERAL.—The Secretary of Defense, in  
13 consultation with the Secretary of State, shall de-  
14 velop a plan to increase the strategic partnership  
15 with regional allies to provide United States Armed  
16 Forces with the broadest set of geographic ap-  
17 proaches to militarily access Iran.

18 (2) MATTERS TO BE INCLUDED.—The plan re-  
19 quired under paragraph (1) shall include the fol-  
20 lowing information:

21 (A) Mechanisms to broaden the geo-  
22 graphical approaches to militarily access Iran.

23 (B) The need, if any, to strengthen the  
24 self-defense capabilities of regional allies as a  
25 result of such partnerships.

1 (C) The viability of increasing access for  
2 United States Armed Forces to bases in Azer-  
3 baijan to augment the viability of a credible  
4 military option.

5 (3) SUBMISSION TO CONGRESS.—The plan re-  
6 quired under paragraph (1) shall be submitted to  
7 the appropriate congressional committees not later  
8 than 180 days after the date of the enactment of  
9 this Act.

10 **SEC. 1227. DEFINITIONS.**

11 In this subtitle:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
13 TEES.—The term “appropriate congressional com-  
14 mittees” means—

15 (A) the Committee on Appropriations, the  
16 Committee on Armed Services, and the Com-  
17 mittee on Foreign Affairs of the House of Rep-  
18 resentatives; and

19 (B) the Committee on Appropriations, the  
20 Committee on Armed Services, and the Com-  
21 mittee on Foreign Relations of the Senate.

22 (2) QUALITATIVE MILITARY EDGE.—The term  
23 “qualitative military edge” has the meaning given  
24 the term in section 36(h)(2) of the Arms Export  
25 Control Act (22 U.S.C. 2776(h)(2)).

1 **SEC. 1228. RULE OF CONSTRUCTION.**

2       Nothing in this Act shall be construed as authorizing  
3 the use of force against Iran.

4       **Subtitle D—Reports and Other**  
5                                   **Matters**

6 **SEC. 1231. ANNUAL REPORT ON MILITARY AND SECURITY**  
7                                   **DEVELOPMENTS INVOLVING THE PEOPLE’S**  
8                                   **REPUBLIC OF CHINA.**

9       (a) IN GENERAL.—Subsection (b) of section 1202 of  
10 the National Defense Authorization Act for Fiscal Year  
11 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113  
12 note), as most recently amended by section 1238 of the  
13 National Defense Authorization Act for Fiscal Year 2012  
14 (Public Law 112–81; 125 Stat. 1642), is further amend-  
15 ed—

16               (1) by redesignating paragraphs (10), (11), and  
17               (12) as paragraphs (12), (13), and (14), respec-  
18               tively; and

19               (2) by inserting after paragraph (9) the fol-  
20               lowing:

21               “(10) The strategy, goals, and capabilities of  
22               Chinese space programs, including trends, global  
23               and regional activities, the involvement of military  
24               and civilian organizations, including state-owned en-  
25               terprises, academic institutions, and commercial en-  
26               tities, and efforts to develop, acquire, or gain access



1 to advanced technologies that would enhance Chi-  
2 nese military capabilities.

3 “(11) The strategy, goals, and capabilities of  
4 Chinese cyber activities, including trends, global and  
5 regional activities, the involvement of military and  
6 civilian organizations, including state-owned enter-  
7 prises, academic institutions, and commercial enti-  
8 ties. Relevant analyses and forecasts shall con-  
9 sider—

10 “(A) Chinese cyber activities directed  
11 against the Department of Defense;

12 “(B) potential harms that may affect De-  
13 partment of Defense communications, com-  
14 puters, networks, systems, or other military as-  
15 sets as a result of a cyber attack; and

16 “(C) any other developments regarding  
17 Chinese cyber activities that the Secretary of  
18 Defense determines are relevant to the national  
19 security of the United States.”.

20 (b) COMBATANT COMMANDER ASSESSMENT.—Such  
21 section is further amended—

22 (1) by redesignating subsections (c) and (d) as  
23 subsections (d) and (e), respectively; and

24 (2) by inserting after subsection (b) the fol-  
25 lowing:

1       “(c) COMBATANT COMMANDER ASSESSMENT.—The  
2 report required under subsection (a) shall include an  
3 annex, in classified or unclassified form, that includes an  
4 identification and assessment of the Commander of the  
5 United States Pacific Command on the following:

6               “(1) Any gaps in intelligence that limit the abil-  
7 ity of the Commander to address challenges posed  
8 by the People’s Republic of China.

9               “(2) Any gaps in the capabilities, capacity, and  
10 authorities of the Commander to address challenges  
11 posed by the People’s Republic of China to United  
12 States Armed Forces and United States interests in  
13 the region.

14               “(3) Any other matters the Commander con-  
15 siders to be relevant.”.

16       (c) EFFECTIVE DATE.—The amendments made by  
17 subsections (a) and (b) take effect on the date of the en-  
18 actment of this Act and apply with respect to each report  
19 required to be submitted under section 1202 of the Na-  
20 tional Defense Authorization Act for Fiscal Year 2000 on  
21 or after such date of enactment.

1 **SEC. 1232. REPORT ON MILITARY AND SECURITY DEVELOP-**  
2 **MENTS INVOLVING THE DEMOCRATIC PEO-**  
3 **PLE'S REPUBLIC OF KOREA.**

4 (a) ADDITIONAL REPORT.—Subsection (a) of section  
5 1236 of the National Defense Authorization Act for Fiscal  
6 Year 2012 (Public Law 112–81; 125 Stat. 1641) is  
7 amended by inserting after “November 1, 2012,” the fol-  
8 lowing: “and November 1, 2013,”.

9 (b) COMBATANT COMMANDER ASSESSMENT.—Such  
10 section is further amended—

11 (1) by redesignating subsection (c) as sub-  
12 section (d); and

13 (2) by inserting after subsection (b) the fol-  
14 lowing:

15 “(c) COMBATANT COMMANDER ASSESSMENT.—The  
16 report required under subsection (a) shall include an  
17 annex, in classified or unclassified form, that includes an  
18 identification and assessment of the Commander of the  
19 United States Pacific Command on the following:

20 “(1) Any gaps in intelligence that limit the abil-  
21 ity of the Commander to counter threats emanating  
22 from North Korea.

23 “(2) Any gaps in the capabilities, capacity, and  
24 authorities of the Commander to counter North Ko-  
25 rean threats to United States Armed Forces and  
26 United States interests in the region.

1           “(3) Any other matters the Commander con-  
2           siders to be relevant.”.

3   **SEC. 1233. REPORT ON HOST NATION SUPPORT FOR OVER-**  
4           **SEAS UNITED STATES MILITARY INSTALLA-**  
5           **TIONS AND UNITED STATES ARMED FORCES**  
6           **DEPLOYED IN COUNTRY.**

7           (a) REPORT REQUIRED.—

8           (1) IN GENERAL.—Not later than March 1 of  
9           each year from 2013 through 2015, the Secretary of  
10          Defense, in consultation with the Secretary of State,  
11          shall submit to the appropriate congressional com-  
12          mittees a report on the direct, indirect, and burden-  
13          sharing contributions made by host nations to sup-  
14          port United States Armed Forces deployed in coun-  
15          try.

16          (2) ELEMENTS.—The report required by para-  
17          graph (1) shall include at least the following:

18                (A) The methodology and accounting pro-  
19                cedures used to measure and track direct, indi-  
20                rect, and burden-sharing contributions made by  
21                host nations.

22                (B) The stationing costs, paid by the host  
23                nation, associated with United States Armed  
24                Forces stationed outside the territory of the  
25                United States in that nation.

1 (C) A description of direct, indirect, and  
2 burden-sharing contributions by host nation, in-  
3 cluding the following:

4 (i) Contributions accepted for the fol-  
5 lowing costs:

6 (I) Compensation for local na-  
7 tional employees of the Department of  
8 Defense.

9 (II) Military construction  
10 projects of the Department of De-  
11 fense, including design, procurement,  
12 construction management costs, rents  
13 on privately-owned land, facilities,  
14 labor, utilities and vicinity improve-  
15 ments.

16 (III) Other costs such as loan  
17 guarantees on public-private venture  
18 housing and payment-in-kind for fa-  
19 cilities returned to the host nation.

20 (ii) Contributions accepted for any  
21 other purpose.

22 (b) FORM.—The report required by subsection (a)  
23 shall be submitted in unclassified form, but may include  
24 a classified annex if necessary.

25 (c) DEFINITIONS.—In this section:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2       TEES.—The term “appropriate congressional com-  
3       mittees” means—

4                   (A) the congressional defense committees;  
5       and

6                   (B) the Committee on Foreign Relations of  
7       the Senate and the Committee on Foreign Af-  
8       fairs of the House of Representatives.

9           (2) HOST NATION.—The term “host nation”  
10      means any country that hosts a permanent or tem-  
11      porary United States military installation or a per-  
12      manent or rotational deployment of United State  
13      Armed Forces located outside of the borders of the  
14      United States.

15          (3) CONTRIBUTIONS.—The term “contribu-  
16      tions” means cash and in-kind contributions made  
17      by a host nation that replace expenditures that  
18      would otherwise be made by the Secretary of De-  
19      fense using funds appropriated or otherwise made  
20      available in defense appropriations Acts.

21   **SEC. 1234. NATO SPECIAL OPERATIONS HEADQUARTERS.**

22          (a) IN GENERAL.—Section 1244(a) of the National  
23      Defense Authorization Act for Fiscal Year 2010 (Public  
24      Law 111–84; 123 Stat. 2541), as amended by section  
25      1242 of the Ike Skelton National Defense Authorization

1 Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat.  
2 4405), is further amended by striking “fiscal year 2011”  
3 and inserting “fiscal year 2013”.

4 (b) LIMITATION.—Of the funds authorized to be ap-  
5 propriated by this Act or otherwise made available for fis-  
6 cal year 2013 for the NATO Special Operations Head-  
7 quarters, not more than 50 percent may be obligated or  
8 expended until the date that is 30 days after the date on  
9 which the Secretary of Defense finalizes and formalizes  
10 United States Special Operations Command as the execu-  
11 tive agent and lead component for the NATO Special Op-  
12 erations Headquarters.

13 **SEC. 1235. REPORTS ON EXPORTS OF MISSILE DEFENSE**  
14 **TECHNOLOGY TO CERTAIN COUNTRIES.**

15 (a) REPORTS.—Not later than 180 days after the  
16 date of the enactment of this Act, and each year thereafter  
17 through 2015, the Secretary of Defense shall submit to  
18 the appropriate congressional committees a report on the  
19 following:

20 (1) A description of the types of assistance, in-  
21 cluding assistance relating to missile defense, pro-  
22 vided by the Department of Defense to foreign coun-  
23 tries that export space, counter-space, and ballistic  
24 missile equipment, material, and technologies that

1       could be used in other countries' space, counter-  
2       space, and ballistic missile programs.

3           (2) A description of such exports to countries  
4       with space, counter-space, and ballistic missile pro-  
5       grams, including a description of specific tech-  
6       nologies that are exported to such countries.

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

10           (1) the congressional defense committees; and

11           (2) the Committee of Foreign Relations of the  
12       Senate and the Committee on Foreign Affairs of the  
13       House of Representatives.

14       **SEC. 1236. LIMITATION ON FUNDS TO PROVIDE THE RUS-**  
15                               **SIAN FEDERATION WITH ACCESS TO MISSILE**  
16                               **DEFENSE TECHNOLOGY.**

17       (a) LIMITATION ON FUNDS FOR CLASSIFIED TECH-  
18       NOLOGY AND DATA.—

19           (1) IN GENERAL.—None of the funds made  
20       available for fiscal years 2012 or 2013 for the De-  
21       partment of Defense may be used to provide the  
22       Russian Federation with access to information that  
23       is classified or was classified as of January 2, 2012,  
24       regarding—



1 (A) missile defense technology of the  
2 United States, including hit-to-kill technology;  
3 or

4 (B) data, including sensitive technical  
5 data, warning, detection, tracking, targeting, te-  
6 lemetry, command and control, and battle man-  
7 agement data, that support the missile defense  
8 capabilities of the United States.

9 (2) APPLICABILITY.—The limitation in para-  
10 graph (1) shall apply with respect to the use of  
11 funds on or after the date of the enactment of this  
12 Act.

13 (b) LIMITATION ON FUNDS FOR OTHER TECH-  
14 NOLOGY AND DATA.—

15 (1) IN GENERAL.—None of the funds made  
16 available for fiscal years 2012 or 2013 for the De-  
17 partment of Defense may be used to provide the  
18 Russian Federation with access to missile defense  
19 technology or technical data not described in sub-  
20 section (a) unless—

21 (A) the President submits to the appro-  
22 priate congressional committees—

23 (i) a report that contains a description  
24 of—

1 (I) the specific missile defense  
2 technology or technical data to be pro-  
3 vided to the Russian Federation, the  
4 reasons for providing such technology  
5 or data, and how the technology or  
6 technical data is intended to be used;

7 (II) the measures necessary to  
8 protect the technology or technical  
9 data;

10 (III) the specific missile defense  
11 technology or technical data of the  
12 Russian Federation that the Russian  
13 Federation is providing the United  
14 States with access to; and

15 (IV) the status and substance of  
16 discussions between the United States  
17 and the Russian Federation on missile  
18 defense matters; and

19 (ii) written certification by the Presi-  
20 dent that providing the Russian Federation  
21 with access to such missile defense tech-  
22 nology or technical data—

23 (I) includes an agreement on pro-  
24 hibiting access to such technology or  
25 data by any other country or entity;

1 (II) will not enable the develop-  
2 ment of countermeasures to any mis-  
3 sile defense system of the United  
4 States or otherwise undermine the ef-  
5 fectiveness of any such missile defense  
6 system; and

7 (III) will correspond to equitable  
8 access by the United States to missile  
9 defense technology or technical data  
10 of the Russian Federation; and

11 (B) a period of 30 days has elapsed fol-  
12 lowing the date on which the President submits  
13 to the appropriate congressional committees the  
14 report and written certification under subpara-  
15 graph (A).

16 (2) APPLICABILITY.—The limitation in para-  
17 graph (1) shall apply with respect to the use of  
18 funds on or after the date of the enactment of this  
19 Act.

20 (c) FORM.—The report described in clause (i) of sub-  
21 section (b)(1)(A) and the certification described in clause  
22 (ii) of such subsection shall be submitted in unclassified  
23 form, but may contain a classified annex, if necessary.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
2 DEFINED.—In this section, the term “appropriate con-  
3 gressional committees” means—

4 (1) the Committee on Armed Services and the  
5 Committee on Foreign Relations of the Senate; and

6 (2) the Committee on Armed Services and the  
7 Committee on Foreign Affairs of the House of Rep-  
8 resentatives.

9 **SEC. 1237. INTERNATIONAL AGREEMENTS RELATING TO**  
10 **MISSILE DEFENSE.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that an agreement regarding missile defense co-  
13 operation between the United States and the Russian Fed-  
14 eration that is negotiated with the Russian Federation  
15 through the North Atlantic Treaty Organization  
16 (“NATO”) or a provision to amend the charter of the  
17 NATO–Russia Council, should not be considered legally  
18 or politically binding unless the agreement is—

19 (1) specifically approved with the advice and  
20 consent of the Senate pursuant to article II, section  
21 2, clause 2 of the Constitution; or

22 (2) specifically authorized by an Act of Con-  
23 gress.

24 (b) MISSILE DEFENSE AGREEMENTS.—

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

4   **“§ 130f. International agreements relating to missile**  
5               **defense**

6       “(a) IN GENERAL.—In accordance with the under-  
7       standing under subsection (b)(1)(B) of the Resolution of  
8       Advice and Consent to Ratification of the New START  
9       Treaty of the Senate, any agreement with a country or  
10      international organization or amendment to the New  
11      START Treaty (including an agreement made by the Bi-  
12      lateral Consultative Commission established by the New  
13      START Treaty) concerning the limitation of the missile  
14      defense capabilities of the United States shall not be bind-  
15      ing on the United States, and shall not enter into force  
16      with respect to the United States, unless after the date  
17      of the enactment of this section, such agreement or  
18      amendment is—

19           “(1) specifically approved with the advice and  
20      consent of the Senate pursuant to article II, section  
21      2, clause 2 of the Constitution; or

22           “(2) specifically authorized by an Act of Con-  
23      gress.

24       “(b) ANNUAL NOTIFICATION.—Not later than Janu-  
25      ary 31 of each year, beginning in 2013, the President shall

1 submit to the congressional defense committees and the  
2 Committee on Foreign Relations of the Senate and the  
3 Committee on Foreign Affairs of the House of Representa-  
4 tives a notification of—

5           “(1) whether the Russian Federation has recog-  
6 nized during the previous year the sovereign right of  
7 the United States to pursue quantitative and quali-  
8 tative improvements in missile defense capabilities;  
9 and

10           “(2) whether during any treaty negotiations or  
11 other Government-to-Government contacts between  
12 the United States and the Russian Federation (in-  
13 cluding under the auspices of the Bilateral Consult-  
14 ative Commission established by the New START  
15 Treaty) during the previous year a representative of  
16 the Russian Federation suggested that a treaty or  
17 other international agreement include, with respect  
18 to the United States—

19           “(A) restricting missile defense capabili-  
20 ties, military capabilities in space, or conven-  
21 tional prompt global strike capabilities; or

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

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

1 tween the United States of America and the Russian Fed-  
 2 eration on Measures for the Further Reduction and Limi-  
 3 tation of Strategic Offensive Arms, signed on April 8,  
 4 2010, and entered into force on February 5, 2011.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-  
 6 tions at the beginning of such chapter is amended  
 7 by inserting after the item relating to section 130e  
 8 the following new item:

“130f. International agreements relating to missile defense.”.

9 (c) DEFENSE TECHNOLOGY COOPERATION AGREE-  
 10 MENTS.—

11 (1) IN GENERAL.—Subchapter II of chapter  
 12 138 of title 10, United States Code, is amended by  
 13 adding at the end the following new section:

14 **“§ 2350n. Defense technology cooperation agreements**  
 15 **between the United States and the Rus-**  
 16 **sian Federation**

17 “(a) IN GENERAL.—None of the funds made avail-  
 18 able for fiscal year 2012 or any fiscal year thereafter for  
 19 the Department of Defense may be used to implement a  
 20 defense technology cooperation agreement entered into be-  
 21 tween the United States and the Russian Federation until  
 22 a period of 60 days has elapsed following the date on  
 23 which the President transmits such agreement to the con-  
 24 gressional defense committees.

1       “(b) DEFENSE TECHNOLOGY COOPERATION AGREE-  
2   MENT DEFINED.—In this section, the term ‘defense tech-  
3   nology cooperation agreement’ means a cooperative agree-  
4   ment related to research and development entered into  
5   under section 2358 of this title or any other provision of  
6   this title.”.

7           (2) CLERICAL AMENDMENT.—The table of sec-  
8       tions at the beginning of such subchapter is amend-  
9       ed by inserting after the item relating to section  
10      2350m the following new item:

“2350n. Defense technology cooperation agreement between the United States  
and the Russian Federation.”.

11      (d) LIMITATION ON MISSILE DEFENSE NEGOTIA-  
12   TION.—

13           (1) IN GENERAL.—None of the funds made  
14       available for fiscal years 2012 or 2013 for the De-  
15       partment of Defense may be used to implement an  
16       agreement regarding missile defense entered into  
17       with the Russian Federation until the date that is  
18       30 days after the date on which the President trans-  
19       mits to the appropriate congressional committees the  
20       draft agreement discussed between the United  
21       States and the Russian Federation at Deauville,  
22       France, in May 2011.

23           (2) APPLICABILITY.—The limitation in para-  
24       graph (1) shall apply with respect to the use of



1 funds on or after the date of the enactment of this  
2 Act.

3 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES DEFINED.—In this subsection, the term “ap-  
5 propriate congressional committees” means—

6 (A) the Committee on Armed Services and  
7 the Committee on Foreign Relations of the Sen-  
8 ate; and

9 (B) the Committee on Armed Services and  
10 the Committee on Foreign Affairs of the House  
11 of Representatives.

12 **SEC. 1238. LIMITATION ON ASSISTANCE TO PROVIDE TEAR**  
13 **GAS OR OTHER RIOT CONTROL ITEMS.**

14 None of the funds authorized to be appropriated by  
15 this Act may be used to provide tear gas or other riot  
16 control items to the government of a country undergoing  
17 a transition to democracy in the Middle East or North  
18 Africa unless the Secretary of Defense certifies to the  
19 Committee on Armed Services of the Senate and the Com-  
20 mittee on Armed Services of the House of Representatives  
21 that the security forces of such government are not using  
22 excessive force to repress peaceful, lawful, and organized  
23 dissent.

1 **SEC. 1239. REQUIREMENT TO SUBMIT TO CONGRESS A**  
2 **PLAN FOR A FOREIGN INFRASTRUCTURE**  
3 **PROJECT USING FUNDS MADE AVAILABLE**  
4 **FOR OVERSEAS CONTINGENCY OPERATIONS.**

5 (a) **PLAN REQUIRED.**—Not later than 60 days prior  
6 to the commencement of a covered infrastructure project,  
7 the head of the Federal department or agency with pri-  
8 mary responsibility for carrying out the project shall sub-  
9 mit to Congress a plan to carry out and sustain the  
10 project.

11 (b) **MATTERS TO BE INCLUDED.**—The plan shall in-  
12 clude a description of the following:

13 (1) The total amount of funds to be obligated  
14 and expended under the project, including the total  
15 amount of funds to be contributed from other  
16 sources.

17 (2) How the project will be maintained after its  
18 completion, who will be responsible for maintaining  
19 the project, and who will contribute funds for main-  
20 taining the project.

21 (3) How the project will be protected after its  
22 completion.

23 (c) **COVERED INFRASTRUCTURE PROJECT.**—In this  
24 section, the term “covered infrastructure project” or  
25 “project” means a project to improve the infrastructure  
26 of a foreign country under which the United States con-

1 tributes not less than \$1,000,000 from funds made avail-  
2 able for overseas contingency operations.

3 (d) EFFECTIVE DATE.—This section takes effect on  
4 the date of the enactment of this Act and applies with  
5 respect covered infrastructure projects commenced on or  
6 after 60 days after such date of enactment.

7 **SEC. 1240. SALE OF F-16 AIRCRAFT TO TAIWAN.**

8 The President shall carry out the sale of no fewer  
9 than 66 F-16C/D multirole fighter aircraft to Taiwan.

10 **SEC. 1240A. LIMITATION ON FUNDS FOR INSTITUTIONS OR**  
11 **ORGANIZATIONS ESTABLISHED BY THE**  
12 **UNITED NATIONS CONVENTION ON THE LAW**  
13 **OF THE SEA.**

14 None of the funds authorized to be appropriated by  
15 this Act may be made available for any institution or orga-  
16 nization established by the United Nations Convention on  
17 the Law of the Sea, including the International Seabed  
18 Authority, the International Tribunal for the Law of the  
19 Sea, and the Commission on the Limits of the Continental  
20 Shelf.

21 **SEC. 1240B. REMOVAL OF BRIGADE COMBAT TEAMS FROM**  
22 **EUROPE.**

23 (a) FINDING.—Congress finds that, because defense  
24 spending among European NATO countries fell 12% since  
25 2008, from \$314 billion to \$275 billion, so that currently

1 only 4 out of the 28 NATO allies of the United States  
2 are spending the widely agreed-to standard of 2% of their  
3 GDP on defense, the United States must look to more  
4 wisely allocate scarce resources to provide for the national  
5 defense.

6 (b) REMOVAL AUTHORIZED.—The President is au-  
7 thorized and requested to end the permanent basing of  
8 units of the United States Armed Forces in European  
9 member nations of the North Atlantic Treaty Organiza-  
10 tion and return the four Brigade Combat Teams currently  
11 stationed in Europe to the United States.

12 (c) USE OF ROTATIONAL FORCES TO SATISFY SECU-  
13 RITY NEEDS.—It is the policy of the United States that  
14 the deployment of units of the United States Armed  
15 Forces on a rotational basis at military installations in  
16 European member nations of the North Atlantic Treaty  
17 Organization pursuant to the Army Force Generation  
18 (ARFORGEN) process is a force-structure arrangement  
19 sufficient to permit the United States—

20 (1) to satisfy the commitments undertaken by  
21 United States pursuant to Article 5 of the North At-  
22 lantic Treaty, signed at Washington, District of Co-  
23 lumbia, on April 4, 1949, and entered into force on  
24 August 24, 1949 (63 Stat. 2241; TIAS 1964);

1           (2) to address the current security environment  
2       in Europe; and  
3           (3) to contribute to peace and stability in Eu-  
4       rope.

5 **SEC. 1240C. LIMITATION ON FUNDS FOR UNITED STATES**  
6                   **PARTICIPATION IN JOINT MILITARY EXER-**  
7                   **CISES WITH EGYPT.**

8       None of the funds authorized to be appropriated by  
9       this Act may be made available for United States partici-  
10      pation in joint military exercises with Egypt if the Govern-  
11      ment of Egypt terminates or withdraws from the 1979  
12      Israeli-Egypt peace treaty.

13 **Subtitle E—Authority to Remove**  
14 **Satellites and Related Compo-**  
15 **nents and Technology From the**  
16 **United States Munitions List**

17 **SEC. 1241. AUTHORITY TO REMOVE SATELLITES AND RE-**  
18 **LATED COMPONENTS AND TECHNOLOGY**  
19 **FROM THE UNITED STATES MUNITIONS LIST.**

20       (a) **AUTHORITY.**—Subject to subsection (b), the  
21      President is authorized to remove commercial satellites  
22      and related components and technology from the United  
23      States Munitions List, consistent with the procedures in  
24      section 38(f) of the Arms Export Control Act (22 U.S.C.  
25      2778(f)).

1       (b) DETERMINATION.—The President may exercise  
2 the authority provided in subsection (a) only if the Presi-  
3 dent submits to the appropriate congressional committees  
4 a determination that the transfer of commercial satellites  
5 and related components and technology from the United  
6 States Munitions List does not pose an unacceptable risk  
7 to the national security of the United States. Such deter-  
8 mination shall include a description of the risk-mitigating  
9 controls, procedures, and safeguards the President will put  
10 in place to reduce such risk to an absolute minimum.

11       (c) PROHIBITION.—No license or other authorization  
12 for export shall be granted for the transfer, retransfer, or  
13 reexport of any commercial satellite or related component  
14 or technology contained on the Commerce Control List to  
15 any person or entity of the following:

16           (1) The People’s Republic of China.

17           (2) Cuba.

18           (3) Iran.

19           (4) North Korea.

20           (5) Sudan.

21           (6) Syria.

22           (7) Any other country with respect to which the  
23 United States would deny the application for licenses  
24 and other approvals for exports and imports of de-

1       fense articles under section 126.1 of the Inter-  
2       national Traffic in Arms Regulations.

3       (d) REPORT.—

4           (1) IN GENERAL.—Not later than 1 year after  
5       the date of the enactment of this Act, and annually  
6       thereafter, the Director of National Intelligence shall  
7       submit to the appropriate congressional committees  
8       on efforts of state sponsors of terrorism, other for-  
9       eign countries, or entities to illicitly acquire commer-  
10      cial satellites and related components and tech-  
11      nology.

12          (2) FORM.—Such report shall be submitted in  
13      unclassified form, but may contain a classified  
14      annex.

15      (e) APPROPRIATE CONGRESSIONAL COMMITTEE DE-  
16      FINED.—In this section, the term “appropriate congres-  
17      sional committees” means—

18          (1) the Committee on Foreign Relations, the  
19      Committee on Armed Services, and the Select Com-  
20      mittee on Intelligence of the Senate; and

21          (2) the Committee on Foreign Affairs, the  
22      Committee on Armed Services, and the Permanent  
23      Select Committee on Intelligence of the House of  
24      Representatives.

1 **SEC. 1242. REPORT ON LICENSES AND OTHER AUTHORIZA-**  
2 **TIONS TO EXPORT COMMERCIAL SATELLITES**  
3 **AND RELATED COMPONENTS AND TECH-**  
4 **NOLOGY CONTAINED ON THE COMMERCE**  
5 **CONTROL LIST.**

6 (a) IN GENERAL.—Not later than 60 days after the  
7 end of each calendar quarter, the President shall transmit  
8 to the Committee on Banking, Finance, and Urban Affairs  
9 of the Senate and the Committee on Foreign Affairs of  
10 the House of Representatives a report containing a listing  
11 of all licenses and other authorizations to export commer-  
12 cial satellites and related components and technology con-  
13 tained on the Commerce Control List.

14 (b) FORM.—Such report shall be submitted in unclas-  
15 sified form, but may contain a classified annex.

16 **SEC. 1243. REVIEW OF UNITED STATES MUNITIONS LIST.**

17 Section 38(f)(1) of the Arms Export Control Act (22  
18 U.S.C. 2778(f)(1)) is amended by striking the last sen-  
19 tence and inserting the following: “Such notice shall in-  
20 clude, to the extent practicable, an enumeration of the  
21 item or items to be removed and describe the nature of  
22 any controls to be imposed on the item or items under  
23 any other provision of law.”.



1 **SEC. 1244. REPORT ON COUNTRY EXEMPTIONS FOR LI-**  
2 **CENSING OF EXPORTS OF MUNITIONS AND**  
3 **RELATED TECHNICAL DATA.**

4 (a) IN GENERAL.—Not later than 120 days after the  
5 date of the enactment of this Act, the Attorney General  
6 and Secretary of Homeland Security shall submit to the  
7 appropriate congressional committees a report that con-  
8 tains an assessment of the extent to which the terms and  
9 conditions of an exemption for foreign countries from the  
10 licensing requirements of the Commerce Munitions List  
11 (or analogous controls for commercial satellites and re-  
12 lated components and technology) contain strong safe-  
13 guards.

14 (b) MATTERS TO BE INCLUDED.—The report shall  
15 include a compilation of sufficient documentation relating  
16 to the export of munitions, commercial spacecraft, and re-  
17 lated technical data to facilitate law enforcement efforts  
18 to effectively detect, investigate, deter, and enforce crimi-  
19 nal violations of any provision of the Export Administra-  
20 tion Regulations, including efforts on the part of state  
21 sponsors of terrorism, other foreign countries, or entities  
22 to illicitly acquire such controlled United States tech-  
23 nology.

24 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
25 FINED.—In this section, the term “appropriate congres-  
26 sional committees” means—

1           (1) the Committee on Armed Services and the  
2       Committee on Banking, Housing, and Urban Affairs  
3       of the Senate; and

4           (2) the Committee on Armed Services and the  
5       Committee on Foreign Affairs of the House of Rep-  
6       resentatives.

7   **SEC. 1245. END-USE MONITORING OF MUNITIONS AND RE-**  
8                           **LATED TECHNICAL DATA.**

9       (a) ESTABLISHMENT OF MONITORING PROGRAM.—  
10   In order to ensure accountability with respect to the ex-  
11   port of munitions and related technical data on the Com-  
12   merce Munitions List, the President shall establish a pro-  
13   gram to provide for the end-use monitoring of such muni-  
14   tions and related technical data.

15       (b) REPORT.—Not later than 180 days after the date  
16   of the enactment of this Act, and annually thereafter, the  
17   President shall submit to Congress a report describing the  
18   actions taken to implement this section, including a de-  
19   tailed accounting of the costs and number of personnel  
20   associated with the program established under subsection  
21   (a).

1 **SEC. 1246. INTERAGENCY PROCESS FOR MODIFICATION OF**  
2 **CATEGORY XV OF THE UNITED STATES MUNI-**  
3 **TIONS LIST.**

4 (a) INTERAGENCY REVIEW.—Subject to the proce-  
5 dures in section 38(f) of the Arms Export Control Act (22  
6 U.S.C. 2778(f)), the President shall ensure that, through  
7 interagency procedures or regulations, the Secretary of  
8 State, the Secretary of Defense, the Secretary of Com-  
9 merce, and as appropriate the Director of National Intel-  
10 ligence concur on all subsequent modifications to Category  
11 XV of the United States Munitions List (relating to space-  
12 craft systems and associated equipment).

13 (b) ANNUAL REPORT.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of the enactment of this Act, and annually  
16 thereafter, the President shall submit to the appro-  
17 priate congressional committees a report on the re-  
18 sults of the interagency reviews required by sub-  
19 section (a).

20 (2) MATTERS TO BE INCLUDED.—The report  
21 required under paragraph (1) shall include the fol-  
22 lowing matters:

23 (A) A review of the space and space-re-  
24 lated technologies currently on the United  
25 States Munitions List, to include satellite sys-  
26 tems, dedicated subsystems, and components.

1           (B) An assessment of the national security  
2 risks of removing certain space and space-re-  
3 lated technologies identified under subpara-  
4 graph (A) from the United States Munitions  
5 List.

6           (C) An examination of the degree to which  
7 other nations' export control policies control or  
8 limit the export of space and space-related tech-  
9 nologies for national security reasons.

10          (D) Recommendations for—

11           (i) the space and space-related tech-  
12 nologies that should remain on, or may be  
13 candidates for removal from, the United  
14 States Munitions List based on the na-  
15 tional security review required under sub-  
16 section (a);

17           (ii) the safeguards and verifications  
18 necessary to—

19           (I) prevent the proliferation and  
20 diversion of such space and space-re-  
21 lated technologies;

22           (II) confirm appropriate end use  
23 and end users; and

24           (III) minimize the risk that such  
25 space and space-related technologies

1                   could be use in foreign missile, space,  
2                   or other applications that could pose a  
3                   threat to the security of the United  
4                   States; and

5                   (iii) improvements to the space export  
6                   control policy and processes of the United  
7                   States that do not adversely affect United  
8                   States national security.

9                   (E) A description of and recommendations  
10                  regarding how the United States industrial base  
11                  and United States national security could be  
12                  enhanced and strengthened through reforms to  
13                  and amendments of export control laws and  
14                  regulations.

15                  (3) APPROPRIATE CONGRESSIONAL COMMIT-  
16                  TEES DEFINED.—In this subsection, the term “ap-  
17                  propriate congressional committees” means—

18                         (A) the Committee on Armed Services, the  
19                         Committee on Foreign Relations, and the Select  
20                         Committee on Intelligence of the Senate; and

21                         (B) the Committee on Armed Services, the  
22                         Committee on Foreign Affairs, and the Perma-  
23                         nent Select Committee on Intelligence of the  
24                         House of Representatives.

1 **SEC. 1247. DEFINITIONS.**

2 In this subtitle:

3 (1) **COMMERCE MUNITIONS LIST.**—The term  
4 “Commerce Munitions List” means items trans-  
5 ferred from the United States Munitions List to the  
6 Commerce Control List and designated as “600 se-  
7 ries” items on the Commerce Control List under the  
8 Export Administration Regulations, as proposed by  
9 the Bureau of Industry and Security of the Depart-  
10 ment of Commerce on July 15, 2011 (76 Fed. Reg.  
11 41958), or any successor regulations.

12 (2) **COMMERCIAL SATELLITES AND RELATED**  
13 **COMPONENTS AND TECHNOLOGY.**—The term “com-  
14 mercial satellites and related components and tech-  
15 nology” means—

16 (A) communications satellites that do not  
17 contain classified components, including remote  
18 sensing satellites with performance parameters  
19 below thresholds identified on the United States  
20 Munitions List; and

21 (B) systems, subsystems, parts, and com-  
22 ponents associated with such satellites and with  
23 performance parameters below thresholds speci-  
24 fied for items that would remain on the United  
25 States Munitions List.

1 (3) EXPORT ADMINISTRATION REGULATIONS.—

2 The term “Export Administration Regulations”  
 3 means the Export Administration Regulations as  
 4 maintained and amended under the authority of the  
 5 International Emergency Economic Powers Act (50  
 6 U.S.C. 1701 et seq.), or any successor regulations.

7 (4) STATE SPONSOR OF TERRORISM.—The term  
 8 “state sponsor of terrorism” means any country the  
 9 government of which the Secretary of State has de-  
 10 termined has repeatedly provided support for acts of  
 11 international terrorism pursuant to section 6(j) of  
 12 the Export Administration Act of 1979, section  
 13 620A of the Foreign Assistance Act of 1961, section  
 14 40 of the Arms Export Control Act, or any other  
 15 provision of law.

16 (5) UNITED STATES MUNITIONS LIST.—The  
 17 term “United States Munitions List” means the list  
 18 referred to in section 38(a)(1) of the Arms Export  
 19 Control Act (22 U.S.C. 2778(a)(1)).

## 20 **TITLE XIII—COOPERATIVE** 21 **THREAT REDUCTION**

### 22 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-** 23 **DUCTION PROGRAMS AND FUNDS.**

24 (a) SPECIFICATION OF COOPERATIVE THREAT RE-  
 25 Duction Programs.—For purposes of section 301 and

1 other provisions of this Act, Cooperative Threat Reduction  
2 programs are the programs specified in section 1501 of  
3 the National Defense Authorization Act for Fiscal Year  
4 1997 (50 U.S.C. 2362 note).

5 (b) FISCAL YEAR 2013 COOPERATIVE THREAT RE-  
6 Duction FUNDS DEFINED.—As used in this title, the  
7 term “fiscal year 2013 Cooperative Threat Reduction  
8 funds” means the funds appropriated pursuant to the au-  
9 thorization of appropriations in section 301 and made  
10 available by the funding table in section 4301 for Coopera-  
11 tive Threat Reduction programs.

12 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
13 pursuant to the authorization of appropriations in section  
14 301 and made available by the funding table in section  
15 4301 for Cooperative Threat Reduction programs shall be  
16 available for obligation for fiscal years 2013, 2014, and  
17 2015.

18 **SEC. 1302. FUNDING ALLOCATIONS.**

19 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
20 \$519,111,000 authorized to be appropriated to the De-  
21 partment of Defense for fiscal year 2013 in section 301  
22 and made available by the funding table in section 4301  
23 for Cooperative Threat Reduction programs, the following  
24 amounts may be obligated for the purposes specified:



1           (1) For strategic offensive arms elimination,  
2       \$68,271,000.

3           (2) For chemical weapons destruction,  
4       \$14,630,000.

5           (3) For global nuclear security, \$99,789,000.

6           (4) For cooperative biological engagement,  
7       \$276,399,000.

8           (5) For proliferation prevention, \$32,402,000.

9           (6) For threat reduction engagement,  
10      \$2,375,000.

11          (7) For activities designated as Other Assess-  
12      ments/Administrative Costs, \$25,245,000.

13      (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
14      FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Co-  
15      operative Threat Reduction funds may be obligated or ex-  
16      pended for a purpose other than a purpose listed in para-  
17      graphs (1) through (7) of subsection (a) until 15 days  
18      after the date that the Secretary of Defense submits to  
19      Congress a report on the purpose for which the funds will  
20      be obligated or expended and the amount of funds to be  
21      obligated or expended. Nothing in the preceding sentence  
22      shall be construed as authorizing the obligation or expend-  
23      iture of fiscal year 2013 Cooperative Threat Reduction  
24      funds for a purpose for which the obligation or expendi-

1 ture of such funds is specifically prohibited under this title  
2 or any other provision of law.

3 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
4 AMOUNTS.—

5 (1) IN GENERAL.—Subject to paragraph (2), in  
6 any case in which the Secretary of Defense deter-  
7 mines that it is necessary to do so in the national  
8 interest, the Secretary may obligate amounts appro-  
9 priated for fiscal year 2013 for a purpose listed in  
10 paragraphs (1) through (7) of subsection (a) in ex-  
11 cess of the specific amount authorized for that pur-  
12 pose.

13 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-  
14 tion of funds for a purpose stated in paragraphs (1)  
15 through (7) of subsection (a) in excess of the specific  
16 amount authorized for such purpose may be made  
17 using the authority provided in paragraph (1) only  
18 after—

19 (A) the Secretary submits to Congress no-  
20 tification of the intent to do so together with a  
21 complete discussion of the justification for  
22 doing so; and

23 (B) 15 days have elapsed following the  
24 date of the notification.

1 **SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
2 **COOPERATIVE THREAT REDUCTION ACTIVI-**  
3 **TIES WITH RUSSIAN FEDERATION.**

4 (a) LIMITATION.—None of the funds authorized to  
5 be appropriated by this Act or otherwise made available  
6 for fiscal year 2013 for Cooperative Threat Reduction may  
7 be obligated or expended for cooperative threat reduction  
8 activities with the Russian Federation until the date that  
9 is 30 days after the date on which the Secretary of De-  
10 fense certifies, in coordination with the Secretary of State,  
11 to the appropriate congressional committees that—

12 (1) Russia is no longer—

13 (A) providing direct or indirect support to  
14 the government of Syria's suppression of the  
15 Syrian people; and

16 (B) transferring to Iran, North Korea, or  
17 Syria equipment and technology that have the  
18 potential to make a material contribution to the  
19 development of weapons of mass destruction or  
20 cruise or ballistic missile systems controlled  
21 under multilateral control lists; or

22 (2) funds planned to be obligated or expended  
23 for cooperative threat reduction activities with the  
24 Russian Federation are strictly for project closeout  
25 activities and will not be used for new activities or  
26 activities that will extend beyond fiscal year 2013.

1 (b) WAIVER.—The Secretary of Defense may waive  
2 the limitation in subsection (a) if—

3 (1) the Secretary determines that such waiver is  
4 in the national security interests of the United  
5 States;

6 (2) the Secretary briefs, in an unclassified  
7 form, the appropriate congressional committees on  
8 the justifications of such waiver; and

9 (3) a period of 90 days has elapsed following  
10 the date on which such briefing is held.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
12 FINED.—In this section, the term “appropriate congres-  
13 sional committees” means—

14 (1) the Committee on Armed Services and the  
15 Committee on Foreign Affairs of the House of Rep-  
16 resentatives; and

17 (2) the Committee on Armed Services and the  
18 Committee on Foreign Relations of the Senate.

19 **TITLE XIV—OTHER**  
20 **AUTHORIZATIONS**  
21 **Subtitle A—Military Programs**

22 **SEC. 1401. WORKING CAPITAL FUNDS.**

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2013 for the use of the Armed Forces and other  
25 activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds,  
2 as specified in the funding table in section 4501.

3 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

4 Funds are hereby authorized to be appropriated for  
5 the fiscal year 2013 for the National Defense Sealift  
6 Fund, as specified in the funding table in section 4501.

7 **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
8 **TION, DEFENSE.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
10 are hereby authorized to be appropriated for the Depart-  
11 ment of Defense for fiscal year 2013 for expenses, not oth-  
12 erwise provided for, for Chemical Agents and Munitions  
13 Destruction, Defense, as specified in the funding table in  
14 section 4501.

15 (b) USE.—Amounts authorized to be appropriated  
16 under subsection (a) are authorized for—

17 (1) the destruction of lethal chemical agents  
18 and munitions in accordance with section 1412 of  
19 the Department of Defense Authorization Act, 1986  
20 (50 U.S.C. 1521); and

21 (2) the destruction of chemical warfare materiel  
22 of the United States that is not covered by section  
23 1412 of such Act.

1 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for  
4 the Department of Defense for fiscal year 2013 for ex-  
5 penses, not otherwise provided for, for Drug Interdiction  
6 and Counter-Drug Activities, Defense-wide, as specified in  
7 the funding table in section 4501.

8 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for  
10 the Department of Defense for fiscal year 2013 for ex-  
11 penses, not otherwise provided for, for the Office of the  
12 Inspector General of the Department of Defense, as speci-  
13 fied in the funding table in section 4501.

14 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2013 for the Defense Health Program, as spec-  
17 ified in the funding table in section 4501, for use of the  
18 Armed Forces and other activities and agencies of the De-  
19 partment of Defense in providing for the health of eligible  
20 beneficiaries.

21 **SEC. 1407. CEMETERIAL EXPENSES.**

22 Funds are hereby authorized to be appropriated for  
23 the Department of the Army for fiscal year 2013 for  
24 cemeterial expenses, not otherwise provided for, as speci-  
25 fied in the funding table in section 4501.

1           **Subtitle B—National Defense**  
2                           **Stockpile**

3   **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**  
4                           **STOCKPILE FUNDS.**

5           (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-  
6 cal year 2013, the National Defense Stockpile Manager  
7 may obligate up to \$44,899,227 of the funds in the Na-  
8 tional Defense Stockpile Transaction Fund established  
9 under subsection (a) of section 9 of the Strategic and Crit-  
10 ical Materials Stock Piling Act (50 U.S.C. 98h) for the  
11 authorized uses of such funds under subsection (b)(2) of  
12 such section, including the disposal of hazardous materials  
13 that are environmentally sensitive.

14          (b) ADDITIONAL OBLIGATIONS.—The National De-  
15 fense Stockpile Manager may obligate amounts in excess  
16 of the amount specified in subsection (a) if the National  
17 Defense Stockpile Manager notifies Congress that extraor-  
18 dinary or emergency conditions necessitate the additional  
19 obligations. The National Defense Stockpile Manager may  
20 make the additional obligations described in the notifica-  
21 tion after the end of the 45-day period beginning on the  
22 date on which Congress receives the notification.

23          (c) LIMITATIONS.—The authorities provided by this  
24 section shall be subject to such limitations as may be pro-  
25 vided in appropriations Acts.

1 **SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATE-**  
 2 **RIALS SUPPLY CHAINS.**

3 Section 2(b) of the Strategic and Critical Materials  
 4 Stock Piling Act (50 U.S.C. 98a) is amended by inserting  
 5 “or a single point of failure” after “foreign sources”.

6 **Subtitle C—Other Matters**

7 **SEC. 1421. REDUCTION OF UNOBLIGATED BALANCES WITH-**  
 8 **IN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.**

10 Not later than 60 days after the date of the enact-  
 11 ment of this Act, the Secretary of Defense shall transfer  
 12 \$26,000,000 from the unobligated balances of the Pen-  
 13 tagon Reservation Maintenance Revolving Fund estab-  
 14 lished under section 2674(e) of title 10, United States  
 15 Code, to the Miscellaneous Receipts Fund of the United  
 16 States Treasury.

17 **SEC. 1422. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**  
 18 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**  
 19 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**  
 20 **ONSTRATION FUND FOR CAPTAIN JAMES A.**  
 21 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

22 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the  
 23 funds authorized to be appropriated for section 1406 and  
 24 available for the Defense Health Program for operation  
 25 and maintenance, \$139,204,000 may be transferred by the  
 26 Secretary of Defense to the Joint Department of Defense—



1 Department of Veterans Affairs Medical Facility Dem-  
2 onstration Fund established by subsection (a)(1) of sec-  
3 tion 1704 of the National Defense Authorization Act for  
4 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).  
5 For purposes of subsection (a)(2) of such section 1704,  
6 any funds so transferred shall be treated as amounts au-  
7 thorized and appropriated specifically for the purpose of  
8 such a transfer.

9 (b) USE OF TRANSFERRED FUNDS.—For the pur-  
10 poses of subsection (b) of such section 1704, facility oper-  
11 ations for which funds transferred under subsection (a)  
12 may be used are operations of the Captain James A.  
13 Lovell Federal Health Care Center, consisting of the  
14 North Chicago Veterans Affairs Medical Center, the Navy  
15 Ambulatory Care Center, and supporting facilities des-  
16 ignated as a combined Federal medical facility under an  
17 operational agreement covered by section 706 of the Dun-  
18 can Hunter National Defense Authorization Act for Fiscal  
19 Year 2009 (Public Law 110–417; 122 Stat. 4500).

20 **SEC. 1423. AUTHORIZATION OF APPROPRIATIONS FOR**  
21 **ARMED FORCES RETIREMENT HOME.**

22 There is hereby authorized to be appropriated for fis-  
23 cal year 2013 from the Armed Forces Retirement Home  
24 Trust Fund the sum of \$67,590,000 for the operation of  
25 the Armed Forces Retirement Home.

1 **TITLE XV—AUTHORIZATION OF**  
2 **ADDITIONAL APPROPRIA-**  
3 **TIONS FOR OVERSEAS CON-**  
4 **TINGENCY OPERATIONS**

5 **Subtitle A—Authorization of**  
6 **Additional Appropriations**

7 **SEC. 1501. PURPOSE.**

8       The purpose of this subtitle is to authorize appropria-  
9 tions for the Department of Defense for fiscal year 2013  
10 to provide additional funds for overseas contingency oper-  
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. PROCUREMENT.**

13       Funds are hereby authorized to be appropriated for  
14 fiscal year 2013 for procurement accounts for the Army,  
15 the Navy and the Marine Corps, the Air Force, and De-  
16 fense-wide activities, as specified in the funding table in  
17 section 4102.

18 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
19 **TION.**

20       Funds are hereby authorized to be appropriated for  
21 fiscal year 2013 for the use of the Department of Defense  
22 for research, development, test, and evaluation, as speci-  
23 fied in the funding table in section 4202.

1 **SEC. 1504. OPERATION AND MAINTENANCE.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2013 for the use of the Armed Forces and other  
4 activities and agencies of the Department of Defense for  
5 expenses, not otherwise provided for, for operation and  
6 maintenance, as specified in the funding table in section  
7 4302.

8 **SEC. 1505. MILITARY PERSONNEL.**

9 Funds are hereby authorized to be appropriated for  
10 fiscal year 2013 for the use of the Armed Forces and other  
11 activities and agencies of the Department of Defense for  
12 expenses, not otherwise provided for, for military per-  
13 sonnel, as specified in the funding table in section 4402.

14 **SEC. 1506. WORKING CAPITAL FUNDS.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2013 for the use of the Armed Forces and other  
17 activities and agencies of the Department of Defense for  
18 providing capital for working capital and revolving funds,  
19 as specified in the funding table in section 4502.

20 **SEC. 1507. DEFENSE HEALTH PROGRAM.**

21 Funds are hereby authorized to be appropriated for  
22 the Department of Defense for fiscal year 2013 for ex-  
23 penses, not otherwise provided for, for the Defense Health  
24 Program, as specified in the funding table in section 4502.

1 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for  
4 the Department of Defense for fiscal year 2013 for ex-  
5 penses, not otherwise provided for, for Drug Interdiction  
6 and Counter-Drug Activities, Defense-wide, as specified in  
7 the funding table in section 4502.

8 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for  
10 the Department of Defense for fiscal year 2013 for ex-  
11 penses, not otherwise provided for, for the Office of the  
12 Inspector General of the Department of Defense, as speci-  
13 fied in the funding table in section 4502.

14 **Subtitle B—Financial Matters**

15 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

16 The amounts authorized to be appropriated by this  
17 title are in addition to amounts otherwise authorized to  
18 be appropriated by this Act.

19 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

20 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

21 (1) **AUTHORITY.**—Upon determination by the  
22 Secretary of Defense that such action is necessary in  
23 the national interest, the Secretary may transfer  
24 amounts of authorizations made available to the De-  
25 partment of Defense in this title for fiscal year 2013  
26 between any such authorizations for that fiscal year

1 (or any subdivisions thereof). Amounts of authoriza-  
 2 tions so transferred shall be merged with and be  
 3 available for the same purposes as the authorization  
 4 to which transferred.

5 (2) LIMITATION.—The total amount of author-  
 6 izations that the Secretary may transfer under the  
 7 authority of this subsection may not exceed  
 8 \$3,000,000,000.

9 (b) TERMS AND CONDITIONS.—Transfers under this  
 10 section shall be subject to the same terms and conditions  
 11 as transfers under section 1001.

12 (c) ADDITIONAL AUTHORITY.—The transfer author-  
 13 ity provided by this section is in addition to the transfer  
 14 authority provided under section 1001.

15 **SEC. 1523. LIMITATION ON USE OF FUNDS IN OVERSEAS**  
 16 **CONTINGENCY OPERATIONS TRANSFER**  
 17 **FUND.**

18 Amounts appropriated to the Overseas Contingency  
 19 Operations Transfer Fund pursuant to the authorizations  
 20 of appropriations contained in this title and available for  
 21 use or transfer to cover expenses directly relating to over-  
 22 seas contingency operations by the United States Armed  
 23 Forces may be used only for an item or activity specified  
 24 in the overseas contingency operations portion of the  
 25 budget submitted to Congress by the President under sec-

tion 1105 of title 31, United States Code, for fiscal year 2013.

## **Subtitle C—Limitations and Other Matters**

### **SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013. In providing prior notice to the congressional defense committees of the obligation of funds from the Joint Improvised Explosive Device Defeat Fund for such fiscal year, as required by paragraph (4) of such subsection (c), the Secretary of Defense shall include the market research or associated analysis of alternatives conducted in the process of taking action to initiate any project for which the total obligation of funds from the Fund will exceed \$10,000,000.

1       (b) MONTHLY OBLIGATIONS AND EXPENDITURE RE-  
2 PORTS.—Not later than 15 days after the end of each  
3 month of fiscal year 2013, the Secretary of Defense shall  
4 provide to the congressional defense committees a report  
5 on the Joint Improvised Explosive Device Defeat Fund ex-  
6 plaining monthly commitments, obligations, and expendi-  
7 tures by line of action.

8       (c) ADDITIONAL AUTHORIZED USE OF FUNDS IN  
9 JIEDDF.—Funds in the Joint Improvised Explosive De-  
10 vice Defeat Fund shall be available, with the concurrence  
11 of the Secretary of State, for the purpose of monitoring,  
12 disrupting, and interdicting the movement of explosive de-  
13 vice precursors from a country that borders Afghanistan  
14 to a location within Afghanistan. For a country in which  
15 the actions and activities described in the preceding sen-  
16 tence are carried out, such funds may, with the concur-  
17 rence of the Secretary of State, also be used to train and  
18 equip the security forces of that country that support mis-  
19 sions to monitor, disrupt, and interdict the movement of  
20 explosive device precursors into Afghanistan.

1 **SEC. 1532. ONE-YEAR EXTENSION OF PROJECT AUTHORITY**  
2 **AND RELATED REQUIREMENTS OF TASK**  
3 **FORCE FOR BUSINESS AND STABILITY OPER-**  
4 **ATIONS IN AFGHANISTAN.**

5 (a) EXTENSION.—Subsection (a) of section 1535 of  
6 the Ike Skelton National Defense Authorization Act for  
7 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426),  
8 as amended by section 1534 of the National Defense Au-  
9 thorization Act for Fiscal Year 2012 (Public Law 112–  
10 81; 125 Stat. 1658), is further amended—

11 (1) in paragraph (6), by striking “October 31,  
12 2011, and October 31, 2012” and inserting “Octo-  
13 ber 31, 2011, October 31, 2012, and October 31,  
14 2013”; and

15 (2) in paragraph (7), by striking “September  
16 30, 2012” and inserting “September 30, 2013”.

17 (b) SCOPE OF PROJECTS.—Paragraph (3) of such  
18 subsection, as so amended, is further amended—

19 (1) by striking “private investment, mining sec-  
20 tor development, industrial development, and other  
21 projects” and inserting “mining and natural re-  
22 source industry development”; and

23 (2) by striking “focus on improving the com-  
24 mercial viability of” and inserting “complement”.

25 (c) FUNDING.—Paragraph (4) of such subsection, as  
26 so amended, is further amended—



1           (1) by striking “The Secretary” and inserting  
2           the following:

3                     “(A) IN GENERAL.—The Secretary”.

4           (2) by striking “The amount” and all that fol-  
5           lows through “appropriate congressional commit-  
6           tees.” and inserting the following:

7                     “(B) LIMITATION.—The amount of funds  
8           used under authority of subparagraph (A)—

9                         “(i) may not exceed \$150,000,000 for  
10                        fiscal year 2012, except that not more than  
11                        50 percent of such amount may be obli-  
12                        gated until the plan required by subsection  
13                        (b) is submitted to the appropriate con-  
14                        gressional committees; and

15                       “(ii) may not exceed \$50,000,000 for  
16                        fiscal year 2013, except that no such funds  
17                        may be obligated until the Secretary noti-  
18                        fies the appropriate congressional commit-  
19                        tees that the activities of the Task Force  
20                        for Business and Stability Operations in  
21                        Afghanistan will be transitioned to the De-  
22                        partment of State by September 30,  
23                        2013.”; and

24           (3) by striking “The funds” and inserting the  
25           following:

1 “(C) AVAILABILITY.—The funds”.

2 **SEC. 1533. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-**  
3 **GHANISTAN SECURITY FORCES FUND.**

4 (a) CONTINUATION OF EXISTING LIMITATIONS ON  
5 AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY  
6 FORCES FUND.—Funds available to the Department of  
7 Defense for the Afghanistan Security Forces Fund for fis-  
8 cal year 2013 shall be subject to the conditions contained  
9 in subsections (b) through (g) of section 1513 of the Na-  
10 tional Defense Authorization Act for Fiscal Year 2008  
11 (Public Law 110–181; 122 Stat. 428), as amended by sec-  
12 tion 1531(b) of the Ike Skelton National Defense Author-  
13 ization Act for Fiscal Year 2011 (Public Law 111–383;  
14 124 Stat. 4424).

15 (b) AFGHAN PUBLIC PROTECTION FORCE.—

16 (1) LIMITATION.—None of the funds available  
17 to the Department of Defense for fiscal year 2013  
18 for the Afghanistan Security Forces Fund may be  
19 obligated or expended for the Afghan Public Protec-  
20 tion Force (in this subsection referred to as the  
21 “APPF”) until the Secretary of Defense certifies in  
22 writing to the congressional defense committees the  
23 following:

24 (A) Each subcontract, task order, or deliv-  
25 ery order entered into with the APPF under a

1 contract of the Department of Defense, or any  
2 agreement between the United States and Af-  
3 ghanistan for services of the APPF for the De-  
4 partment of Defense, will include—

5 (i) standard format, content, and li-  
6 ability clauses to ensure consistent levels of  
7 security and dispute resolution mecha-  
8 nisms;

9 (ii) a requirement for members of the  
10 APPF to adhere to the APPF Code of  
11 Conduct, including principles of conduct  
12 for such personnel, minimum vetting re-  
13 quirements, and management and over-  
14 sight commitments;

15 (iii) authority for the prime contractor  
16 or, in the case of an agreement, the United  
17 States, to independently conduct biometric  
18 screening;

19 (iv) authority for the prime contractor  
20 or, in the case of an agreement, the United  
21 States—

22 (I) to direct the APPF, at its  
23 own expense, to remove or replace any  
24 personnel performing on a subcontract  
25 or such agreement who fail to meet

1 the APPF Code of Conduct or terms  
2 of such subcontract or agreement; and

3 (II) to terminate the subcontract  
4 or such agreement, if the failure to  
5 comply is a gross violation or is re-  
6 peated; and

7 (v) authority for the Commander,  
8 International Security Assistance Force (or  
9 his designee)—

10 (I) to provide an arming author-  
11 ization for APPF personnel author-  
12 ized to perform activities at a military  
13 installation or facility in Afghanistan  
14 at which members of the Armed  
15 Forces deployed to Afghanistan are  
16 garrisoned or housed;

17 (II) to account for and keep ap-  
18 propriate records of APPF personnel  
19 authorized to perform activities at a  
20 military installation or facility in Af-  
21 ghanistan at which members of the  
22 Armed Forces deployed to Afghani-  
23 stan are garrisoned or housed, includ-  
24 ing on a database referred to as the

1 Synchronized Predeployment and  
2 Operational Tracker; and

3 (III) to consult with the Minister  
4 of Interior of Afghanistan regarding  
5 rules on the use of force for APPF  
6 personnel.

7 (B) The Minister of Interior of Afghani-  
8 stan is committed to ensuring that sufficient  
9 numbers of APPF personnel are trained to  
10 match demand and attrition.

11 (C) Sufficient clarity exists with regard to  
12 command and control of APPF personnel and  
13 the role of risk management consultants.

14 (D) The program established pursuant to  
15 section 1225 of the National Defense Author-  
16 ization Act for Fiscal Year 2010 (Public Law  
17 111–84; 22 U.S.C. 2785 note) is sufficient to—

18 (i) account for the transfer of any  
19 contractor-acquired, United States Govern-  
20 ment-owned defense articles to the APPF;  
21 and

22 (ii) conduct end-use monitoring, in-  
23 cluding an inventory of the existence and  
24 completeness of any such defense articles;

1           (E) Mechanisms are in place to ensure  
2           that there is no additional cost to the United  
3           States for—

4                   (i) a weapon used in the performance  
5                   of APPF services under a subcontract of a  
6                   contract of the Department of Defense, or  
7                   through an agreement between the United  
8                   States and Afghanistan, if such a weapon  
9                   is a United States Government-owned  
10                  weapon; and

11                  (ii) any assistance also provided  
12                  through the Afghan Security Forces Fund  
13                  for support to APPF.

14           (F) The Minister of Interior of Afghani-  
15           stan has established the elements required by  
16           subparagraphs (A) through (F) of section  
17           862(a)(2) of the National Defense Authoriza-  
18           tion Act for Fiscal Year 2008 (Public Law  
19           110–181). For purposes of the preceding sen-  
20           tence, the terms “personnel performing private  
21           security functions in an area of combat oper-  
22           ations or other significant military operations”,  
23           “contractor”, and “contractor personnel”, as  
24           used in section 862 of such Act, mean members  
25           of the APPF.

1 (G) The Secretary is confident the security  
2 provided to supply convoys, to Department of  
3 Defense construction projects, and to Armed  
4 Forces deployed to Afghanistan will not be de-  
5 graded.

6 (2) ADDITIONAL LIMITATION.—None of the  
7 funds available to the Department of Defense for  
8 fiscal year 2013 for the Afghanistan Security Forces  
9 Fund may be obligated or expended for infrastruc-  
10 ture improvements at a APPF training center.

11 (3) QUARTERLY REPORTS.—

12 (A) ASSESSMENT REQUIRED.—Each fiscal  
13 year quarter during fiscal years 2013 and 2014,  
14 the Secretary of Defense shall conduct an as-  
15 sessment of the APPF.

16 (B) REPORTS.—Thirty days following the  
17 end of each quarter of fiscal years 2013 and  
18 2014, the Secretary shall submit a report to the  
19 congressional defense committees of each as-  
20 sessment conducted under subparagraph (A).

21 (C) MATTERS COVERED.—Each such re-  
22 port shall include—

23 (i) a detailed assessment of the ability  
24 of the APPF to perform the essential tasks  
25 identified by the assessment team;

1 (ii) an identification and evaluation of  
2 measures of effectiveness;

3 (iii) a description of the size of the  
4 APPF and an assessment of the suffi-  
5 ciency of its recruiting and training; and

6 (iv) a discussion of the issues the Sec-  
7 retary considers significant, and any rec-  
8 ommendations to address those issues or  
9 other recommendations to improve future  
10 performance of the APPF, as the Sec-  
11 retary considers appropriate.

12 (D) FIRST REPORT.—The first quarterly  
13 report submitted after the date of the enact-  
14 ment of this Act shall include an estimate of  
15 the cost to the Department of Defense of the  
16 APPF, including funds within the Afghan Secu-  
17 rity Forces Fund and estimated contractual  
18 costs for fiscal years 2013 and 2014.

19 (E) A report submitted following the end  
20 of the second and fourth quarter of a fiscal year  
21 shall include a comparison of the cost to the  
22 Department of Defense (both direct and to con-  
23 tractors of the Department of Defense) for the  
24 preceding six months of—

25 (i) the use of the APPF; and



1 (ii) the historical use of private secu-  
2 rity contractors for a similar six-month pe-  
3 riod.

4 (4) AGREEMENTS.—The Secretary shall submit  
5 to the congressional defense committees a copy of  
6 each agreement signed by the United States and Af-  
7 ghanistan for services of the APPF for the Depart-  
8 ment of Defense during the first six months fol-  
9 lowing the date of the enactment of this Act.

10 **TITLE XVI—INDUSTRIAL BASE**  
11 **MATTERS**

12 **Subtitle A—Defense Industrial**  
13 **Base Matters**

14 **SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL**  
15 **READINESS BOARD.**

16 (a) DISESTABLISHMENT OF BOARD.—The Defense  
17 Materiel Readiness Board established pursuant to section  
18 871 of the National Defense Authorization Act for Fiscal  
19 Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is  
20 hereby disestablished.

21 (b) TERMINATION OF DEFENSE STRATEGIC READI-  
22 NESS FUND.—The Defense Strategic Readiness Fund es-  
23 tablished by section 872(d) of the National Defense Au-  
24 thorization Act for Fiscal Year 2008 (Public Law 110–  
25 181; 10 U.S.C. 117 note) is hereby closed.

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

4 **SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOY-**  
5 **COTTS.**

6 Section 2505 of title 10, United States Code, is  
7 amended—

8 (1) by redesignating subsection (d) as sub-  
9 section (e); and

10 (2) by inserting after subsection (c) the fol-  
11 lowing new subsection (d):

12 “(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOR-  
13 EIGN BOYCOTTS.—Each assessment under subsection (a)  
14 shall include a separate discussion and presentation re-  
15 garding the extent to which the national technology and  
16 industrial base is affected by foreign boycotts. The discus-  
17 sion and presentation regarding foreign boycotts shall—

18 “(1) identify sectors of the national technology  
19 and industrial base being affected by foreign boy-  
20 cotts;

21 “(2) assess the harm to the national technology  
22 and industrial base as a result of such boycotts; and

23 “(3) identify actions necessary to minimize the  
24 effects of foreign boycotts on the national technology  
25 and industrial base.”.

1 **SEC. 1603. ADVANCING INNOVATION PILOT PROGRAM.**

2 (a) PILOT PROGRAM.—The Secretary of Defense,  
3 acting through the Assistant Secretary of Defense for Re-  
4 search and Engineering, may establish and implement a  
5 pilot program, to be known as the “Advancing Innovation  
6 Pilot Program”, in furtherance of the national security ob-  
7 jectives in section 2501(a) of title 10, United States Code.

8 (b) PURPOSE.—The purpose of the pilot program is  
9 to accelerate development and fielding of research innova-  
10 tions from qualifying institutions.

11 (c) AVAILABILITY OF FUNDS.—Of the funds author-  
12 ized and appropriated, or otherwise made available, for re-  
13 search, development, test and evaluation, the Secretary  
14 may allocate funding to qualifying institutions in accord-  
15 ance with this subsection. Such funding shall be used to  
16 evaluate the potential of fielding or commercialization of  
17 existing discoveries, including—

18 (1) proof of concept research or prototype de-  
19 velopment; and

20 (2) activities that contribute to determining a  
21 project’s path to fielding or commercialization of  
22 dual-use technologies, including technical validations,  
23 market research, determination of intellectual prop-  
24 erty rights, and investigating military or commercial  
25 opportunities.

1 (d) IMPLEMENTATION.—Prior to obligation or execu-  
2 tion of funding under the pilot program, the Secretary  
3 shall develop and issue guidance to implement the pilot  
4 program. Such guidance shall, at a minimum—

5 (1) require that funding allocated under the  
6 pilot program shall be done using a competitive,  
7 merit-based process;

8 (2) ensure that qualifying institutions establish  
9 a rigorous, diverse review board for program execu-  
10 tion that shall be comprised of experts in  
11 translational and proof of concept research, includ-  
12 ing representatives that provide expertise in  
13 transitioning technology, financing mechanisms, in-  
14 tellectual property rights, and advancement of small  
15 business concerns;

16 (3) ensure that technology validation milestones  
17 are established; and

18 (4) enable the Assistant Secretary to reallocate  
19 funding with the pilot program from poor per-  
20 forming projects to those with more potential.

21 (e) LIMITATION.—Funding made available under the  
22 pilot program shall not be used for basic research, or to  
23 fund the acquisition of research equipment or supplies not  
24 directly related to fielding activities to meet military re-  
25 quirements or commercialization of dual-use technologies.

1       (f) REPORT.—Not later than 90 days after the com-  
2       pletion of the pilot program, the Secretary shall submit  
3       to the congressional defense committees a report evalu-  
4       ating the effectiveness of the activities of the pilot pro-  
5       gram. The report shall include—

6               (1) a detailed description of the execution of the  
7       pilot program, including incentives and activities un-  
8       dertaken by review board experts;

9               (2) an accounting of the funds used in the pilot  
10      program;

11              (3) a detailed description of the institutional  
12      and proposal selection process;

13              (4) a detailed compilation of results achieved by  
14      the pilot program;

15              (5) an analysis of the program’s effectiveness,  
16      with data supporting the analysis; and

17              (6) recommendations for advancing innovation  
18      and otherwise improving the transition of technology  
19      to meet Department of Defense requirements.

20      (g) DEFINITIONS.—In this section:

21              (1) QUALIFYING INSTITUTION.—The term  
22      “qualifying institution” means any entity at which  
23      research and development activities are conducted  
24      and that has past performance in technology transi-

1       tion or commercialization of third-party research, in-  
2       cluding—

3               (A) an institution of higher education or  
4       other nonprofit entity; and

5               (B) a for-profit entity.

6           (2) RESEARCHER.—The term “researcher”  
7       means a university or Federal laboratory that con-  
8       ducts basic research.

9           (3) INSTITUTION OF HIGHER EDUCATION.—The  
10       term “institution of higher education” has the  
11       meaning given such term in section 101 of the High-  
12       er Education Act of 1965.

13          (4) DUAL-USE.—The term “dual-use” has the  
14       meaning provided in section 2500(2) of title 10,  
15       United States Code.

16       (h) TERMINATION.—The pilot program conducted  
17       under this section shall terminate on September 30, 2017.

18       **SEC. 1604. NATIONAL SECURITY STRATEGY FOR NATIONAL**  
19                               **TECHNOLOGY AND INDUSTRIAL BASE.**

20       (a) REQUIREMENT FOR STRATEGY.—

21           (1) IN GENERAL.—Section 2501 of title 10,  
22       United States Code, is amended as follows:

23               (A) The section heading is amended by  
24       striking “**objectives concerning**” and in-  
25       serting “**strategy for**”.

1 (B) Subsection (a) is amended—

2 (i) in the subsection heading, by strik-  
3 ing “OBJECTIVES” and inserting “STRAT-  
4 EGY”;

5 (ii) by striking “It is the policy of”  
6 and all that follows through “objectives:”  
7 and inserting the following: “The Secretary  
8 of Defense shall develop a national security  
9 strategy for the national technology and  
10 industrial base. Such strategy shall be  
11 based on a prioritized assessment of risks  
12 and challenges to the defense supply chain  
13 and shall ensure that the national tech-  
14 nology and industrial base is capable of  
15 achieving the following national security  
16 objectives:”; and

17 (iii) by adding at the end the fol-  
18 lowing new paragraphs:

19 “(9) Ensuring reliable sources of materials that  
20 are critical to national security, such as specialty  
21 metals, armor plate and rare earth elements.

22 “(10) Reducing, to the maximum extent prac-  
23 ticable, the presence of counterfeit parts in the sup-  
24 ply chain and the risk associated with such parts.”.

1           (2) CLERICAL AMENDMENT.—The item relating  
2           to section 2501 in the table of sections at the begin-  
3           ning of subchapter II of chapter 148 of such title is  
4           amended to read as follows:

“2501. National security strategy for national technology and industrial base.”.

5           (b) AMENDMENT TO ANNUAL REPORT RELATING TO  
6           DEFENSE INDUSTRIAL BASE.—Section 2504 of such title  
7           is amended—

8           (1) by striking paragraph (2);

9           (2) by redesignating paragraph (3) as para-  
10          graph (2); and

11          (3) by inserting after paragraph (2) (as so re-  
12          designated) the following new paragraph (3):

13               “(3) Based on the assessments prepared pursu-  
14          ant to section 2505 of this title—

15                       “(A) a description of any mitigation strate-  
16                       gies necessary to address any gaps or  
17                       vulnerabilities in the national technology and  
18                       industrial base; and

19                       “(B) any other steps necessary to foster  
20                       and safeguard the national technology and in-  
21                       dustrial base.”.

22          (c) REQUIREMENT FOR CONSIDERATION OF STRAT-  
23          EGY IN ACQUISITION PLANS.—Section 2440 of such title  
24          is amended by inserting after “base” the following: “, in



1 accordance with the strategy required by section 2501 of  
2 this title.”.

3 (d) CONFORMING AMENDMENTS.—Section 852 of the  
4 National Defense Authorization Act for Fiscal Year 2012  
5 (Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504  
6 note) is amended—

7 (1) by striking subsection (c); and

8 (2) by redesignating subsection (d) as sub-  
9 section (c), and in that subsection by striking “sub-  
10 section (c).” in the first sentence and inserting “sec-  
11 tion 2501 of title 10, United States Code.”.

12 **Subtitle B—Department of Defense**  
13 **Activities Related to Small Busi-**  
14 **ness Matters**

15 **SEC. 1611. PILOT PROGRAM TO ASSIST IN THE GROWTH**  
16 **AND DEVELOPMENT OF ADVANCED SMALL**  
17 **BUSINESS CONCERNS.**

18 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-  
19 retary of Defense shall establish a pilot program within  
20 the Department of Defense to assist in the growth and  
21 development of advanced small business concerns in ac-  
22 cordance with this section.

23 (b) REQUIREMENTS OF PILOT PROGRAM.—

24 (1) RESTRICTED COMPETITION FOR CERTAIN  
25 CONTRACTS.—Under the pilot program and except

1 as provided under paragraph (2)(B), competition for  
2 contract awards may be restricted to advanced small  
3 business concerns if—

4 (A) the anticipated award price of the con-  
5 tract (including options) is reasonably expected  
6 to exceed \$25,000,000;

7 (B) the Procurement Center Representa-  
8 tive of the Small Business Administration or  
9 the Director of Small Business Programs of the  
10 Department of Defense determines that, if the  
11 contract were not awarded under the pilot pro-  
12 gram, the contract would likely be awarded to  
13 an entity other than a small business concern;

14 (C) there is a reasonable expectation that  
15 at least two advanced small business concerns  
16 will submit offers with respect to the contract;

17 (D) such advanced small business concerns  
18 agree to the requirements specified in section  
19 15(o) of the Small Business Act (15 U.S.C.  
20 644(o)) (relating to percentage of work under  
21 the contract to be performed by the concern),  
22 except that work performed by other advanced  
23 small business concerns or by small business  
24 concerns shall be considered as work performed

1 by the prime contractor for purposes of such re-  
2 quirements; and

3 (E) the contract award can be made at a  
4 fair market price.

5 (2) ELIGIBILITY.—

6 (A) ADVANCED SMALL BUSINESS CON-  
7 CERN.—An entity shall be considered an ad-  
8 vanced small business concern and eligible for  
9 participation in the pilot program if the enti-  
10 ty—

11 (i) is independently owned and oper-  
12 ated and is not dominant in its field of op-  
13 eration; and

14 (ii) has fewer than—

15 (I) twice the number of employ-  
16 ees the Small Business Administration  
17 has assigned as a size standard to the  
18 North American Industrial Classifica-  
19 tion Standard code in which the entity  
20 is operating; or

21 (II) three times the average an-  
22 nual receipts the Small Business Ad-  
23 ministration has assigned as a size  
24 standard to the North American In-

1 industrial Classification Standard code  
2 in which the entity is operating.

3 (B) SMALL BUSINESS CONCERN.—Not-  
4 withstanding paragraph (1), a small business  
5 concern may submit an offer for any contract  
6 under the pilot program.

7 (3) CONSIDERATION AND NOTICE TO PUBLIC.—  
8 With respect to a contract opportunity determined to  
9 meet the criteria specified in paragraph (1), a con-  
10 tracting officer for the Department of Defense  
11 shall—

12 (A) consider awarding a contract under the  
13 pilot program before using full and open com-  
14 petition for such contract; and

15 (B) provide notice of the contract oppor-  
16 tunity (including the eligibility requirements of  
17 the contract opportunity) in accordance with  
18 the Federal Acquisition Regulation and other  
19 applicable guidelines.

20 (4) RELATIONSHIP TO SMALL BUSINESS ACT  
21 PROGRAMS.—

22 (A) An advanced small business concern  
23 shall not be eligible for any assistance provided  
24 to small businesses by the Small Business Act  
25 (15 U.S.C. 637 et seq.) or the Small Business

1 Investment Act of 1958 22 (15 U.S.C. 661 et  
2 seq.), unless eligibility is expressly provided  
3 through the pilot program established by this  
4 Act, and contracts awarded pursuant to the  
5 pilot program shall not be counted toward the  
6 achievement of the small business prime or sub-  
7 contracting goals established by the Small Busi-  
8 ness Act (15 U.S.C. 644).

9 (B) An advanced small business concern  
10 shall enter into a subcontracting plan in accord-  
11 ance with section 8(d) of the Small Business  
12 Act (15 U.S.C. 637(d)).

13 (C) Nothing in this section authorizes a  
14 Procurement Center Representative or an em-  
15 ployee of the Office of Small Business Pro-  
16 grams to provide assistance to advanced small  
17 business concerns or to advocate for the restric-  
18 tion of competition to advanced small business  
19 concerns.

20 (c) IMPLEMENTATION.—Not later than 180 days  
21 after the date of the enactment of this Act, the Secretary  
22 of Defense, in consultation with the Administrator of the  
23 Small Business Administration, shall develop and issue  
24 guidance to implement the pilot program. The guidance  
25 shall—

1           (1) identify criteria under which the pilot pro-  
2           gram is evaluated, including a methodology to collect  
3           data during the course of the pilot program to facili-  
4           tate an assessment at the conclusion of the pilot pro-  
5           gram;

6           (2) permit a self-certification for eligibility for  
7           participation in the pilot program;

8           (3) ensure that any self-certification requires  
9           the concern involved to meet the requirements of the  
10          Small Business Administration regarding ownership,  
11          control, and affiliation (as set forth in section  
12          121.103 of title 13 of the Code of Federal Regula-  
13          tions);

14          (4) establish an appeals process to handle chal-  
15          lenges to self-certifications of advanced small busi-  
16          ness concerns, with the certification of eligibility re-  
17          siding with the Small Business Administration's Of-  
18          fice of Hearings and Appeals;

19          (5) identify a method to reimburse the Small  
20          Business Administration for additional costs to the  
21          Administration relating to such self-certifications;

22          (6) establish a methodology for identifying and  
23          tracking program participants, including reporting  
24          on contracts awarded to program participants using  
25          the Federal Procurement Data System; and

1           (7) ensure that the pilot program does not su-  
2       persede goals or programs authorized by the Small  
3       Business Act (15 U.S.C. 637 et seq.) or the Small  
4       Business Investment Act of 1958 22 (15 U.S.C. 661  
5       et seq.) or count toward the achievement of the  
6       small business prime or subcontracting goals estab-  
7       lished by the Small Business Act (15 U.S.C. 644).

8       (d) REPORT TO CONGRESS.—Not later than one year  
9       after the date of the enactment of this Act, and annually  
10      thereafter for the duration of the pilot program, the Sec-  
11      retary of Defense shall submit to the appropriate congres-  
12      sional committees a report on the pilot program that in-  
13      cludes each of the following:

14           (1) The number of contracts awarded in the  
15      prior year under the pilot program.

16           (2) The value of the contracts awarded under  
17      the pilot program and a description of the work car-  
18      ried out under such contracts.

19           (3) The number of program participants under  
20      the pilot program.

21           (4) An assessment of the success of the pilot  
22      program based on the criteria described in sub-  
23      section (c)(1).

24           (5) Such recommendations as the Secretary  
25      considers appropriate, including a recommendation

1        regarding whether to extend the pilot program or  
2        terminate it early.

3        (e) TERMINATION.—The pilot program shall termi-  
4        nate on the date that is three years after the date on which  
5        the guidance for the pilot program is issued pursuant to  
6        subsection (c).

7        (f) DEFINITIONS.—In this section:

8            (1) ADVANCED SMALL BUSINESS CONCERN.—  
9        The term “advanced small business concern” means  
10       an entity that meets the requirements specified in  
11       subsection (b)(2)(A).

12           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
13       TEES.—The term “appropriate congressional com-  
14       mittees” means each of the following:

15           (A) The Committees on Armed Services  
16           and on Small Business and Entrepreneurship of  
17           the Senate.

18           (B) The Committees on Armed Services  
19           and on Small Business of the House of Rep-  
20           resentatives.

21           (3) OFFICE OF SMALL BUSINESS PROGRAMS.—  
22       The term “Office of Small Business Programs”  
23       means the Office of Small Business Programs de-  
24       scribed in section 144(b) of title 10, United States  
25       Code.



1           (4) PILOT PROGRAM.—The term “pilot pro-  
2           gram” means the program established by the Sec-  
3           retary of Defense under subsection (a).

4           (5) PROCUREMENT CENTER REPRESENTA-  
5           TIVE.—The term “Procurement Center Representa-  
6           tive” has the meaning provided in section 15 of the  
7           Small Business Act (15 U.S.C. 644).

8           (6) SMALL BUSINESS CONCERN.—The term  
9           “small business concern” has the meaning provided  
10          under section 3(a) of the Small Business Act (15  
11          U.S.C. 632(a)).

12 **SEC. 1612. ROLE OF THE DIRECTORS OF SMALL BUSINESS**  
13 **PROGRAMS IN REQUIREMENTS DEVELOP-**  
14 **MENT AND ACQUISITION DECISION PROC-**  
15 **ESSES OF THE DEPARTMENT OF DEFENSE.**

16          (a) GUIDANCE REQUIRED.—The Secretary of De-  
17          fense shall develop and issue guidance to ensure that the  
18          head of each Office of Small Business Programs in the  
19          Department of Defense is a participant in requirements  
20          development and acquisition decision processes—

21                (1) of the Department, in the case of the Direc-  
22          tor of Small Business Programs in the Department  
23          of Defense; and

24                (2) of the military department concerned, in the  
25          case of the Director of Small Business Programs in

1 the Department of the Army, in the Department of  
2 the Navy, and in the Department of the Air Force.

3 (b) MATTERS TO BE INCLUDED.—Such guidance  
4 shall, at a minimum—

5 (1) require the Director of Small Business Pro-  
6 grams in the Department of Defense—

7 (A) to serve as an advisor to the Defense  
8 Acquisition Board; and

9 (B) to serve as an advisor to the Informa-  
10 tion Technology Acquisition Board; and

11 (2) require coordination between the chiefs of  
12 the Armed Forces and the service acquisition execu-  
13 tives, as appropriate (or their designees), and the  
14 Director of Small Business Programs in each mili-  
15 tary department during the process for approval  
16 of—

17 (A) a requirements document, as defined  
18 in section 2547 of title 10, United States Code;  
19 and

20 (B) acquisition strategies or plans.

21 **SEC. 1613. SMALL BUSINESS ADVOCATE FOR DEFENSE**  
22 **AUDIT AGENCIES.**

23 (a) SMALL BUSINESS ADVOCATE.—Subchapter II of  
24 chapter 8 of title 10, United States Code, is amended by  
25 adding at the end the following new section:

1   **“§ 204. Small Business Advocate for defense audit**  
2                   **agencies**

3           “(a) SMALL BUSINESS ADVOCATE.—The Secretary  
4 of Defense shall designate within each defense audit agen-  
5 cy an official as the Small Business Advocate to have the  
6 duties described in subsection (b) and such other respon-  
7 sibilities as may be determined by the Secretary.

8           “(b) DUTIES.—The Small Business Advocate at a de-  
9 fense audit agency shall—

10           “(1) advise the Director of the defense audit  
11 agency on all issues related to small business con-  
12 cerns;

13           “(2) serve as the defense audit agency’s pri-  
14 mary point of contact and source of information for  
15 small business concerns; and

16           “(3) collect relevant data and monitor the de-  
17 fense audit agency’s conduct of audits of small busi-  
18 ness concerns, including—

19           “(A) monitoring the timeliness of audit  
20 closeouts for small business concerns; and

21           “(B) monitoring the responsiveness of the  
22 agency to issues or other matters raised by  
23 small business concerns; and

24           “(4) develop and implement processes and pro-  
25 cedures to improve the performance of the defense  
26 audit agency related to the timeliness of audits of

1 small business concerns and the responsiveness of  
 2 the agency to issues or other matters raised by small  
 3 business concerns.

4 “(c) DEFENSE AUDIT AGENCY DEFINED.—In this  
 5 section, the term ‘defense audit agency’ means the De-  
 6 fense Contract Audit Agency and the Defense Contract  
 7 Management Agency.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of chapter 8 of such title is amended by  
 10 inserting after the item relating to section 203 the fol-  
 11 lowing new item:

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

12 **SEC. 1614. INDEPENDENT ASSESSMENT OF FEDERAL PRO-**  
 13 **CUREMENT CONTRACTING PERFORMANCE**  
 14 **OF THE DEPARTMENT OF DEFENSE.**

15 (a) ASSESSMENT REQUIRED.—Not later than 60  
 16 days after the date of the enactment of this Act, the Sec-  
 17 retary of Defense shall enter into a contract with a feder-  
 18 ally funded research and development center to conduct  
 19 an independent assessment of the Department’s procure-  
 20 ment performance related to small business concerns.

21 (b) MATTERS COVERED.—The assessment under  
 22 subsection (a) shall, at a minimum, include—

23 (1) a description of the industrial composition  
 24 of companies receiving subcontracts pursuant to the  
 25 test program for the negotiation of comprehensive

1 small business subcontracting plans pursuant to sec-  
2 tion 834 of the National Defense Authorization Act  
3 for Fiscal Years 1990 and 1991 (Public Law 101–  
4 189; 15 U.S.C. 637 note);

5 (2) a comparison of the industrial composition  
6 of prime contractors participating in such test pro-  
7 gram and the industrial composition of all prime  
8 contractors of the Department of Defense;

9 (3) a determination of barriers to accurately  
10 capturing data on small business prime contracting  
11 and subcontracting, including an examination of the  
12 reliability of the information technology systems of  
13 the Department that are used to track such data;

14 (4) recommendations for improving the quality  
15 and availability of data regarding small business  
16 prime contracting and subcontracting performance;

17 (5) recommendations to improve and inform ne-  
18 gotiations regarding small business contract goals  
19 for the Department;

20 (6) an examination of the execution of small  
21 business subcontracting plans, including an assess-  
22 ment of the degree to which initial teaming agree-  
23 ments are not maintained through the performance  
24 of contracts;

1           (7) an examination of the extent to which the  
2     Department adheres to current policies and guide-  
3     lines relating to small business prime contracting  
4     and subcontracting goals;

5           (8) recommendations for increasing opportuni-  
6     ties for small business concerns owned and con-  
7     trolled by service-disabled veterans (as defined by  
8     section 3(q) of the Small Business Act (15 U.S.C.  
9     632(q)) to do business with the Department of De-  
10    fense;

11          (9) an examination of the extent to which the  
12    Department bundles, consolidates, or otherwise  
13    groups requirements into contracts that are unsuit-  
14    able for award to small businesses, and the effects  
15    that such practices have on small business participa-  
16    tion;

17          (10) recommendations for increasing small  
18    business prime contracting and subcontracting op-  
19    portunities with the Department; and

20          (11) recommendations for steps that can be  
21    taken to prevent abuses and ensuring that small  
22    business contracts are in fact going to small busi-  
23    nesses.

24    (c) REPORT.—Not later than January 1, 2014, the  
25    Secretary shall submit to the congressional defense com-

1 mitted a report on the independent assessment conducted  
2 under this section.

3 **SEC. 1615. ASSESSMENT OF SMALL BUSINESS PROGRAMS**  
4 **TRANSITION.**

5 (a) INDEPENDENT REVIEW AND ASSESSMENT.—Not  
6 later than 30 days after the date of the enactment of this  
7 Act, the Secretary of Defense shall select an appropriate  
8 entity outside the Department of Defense to conduct an  
9 independent review and assessment of the transition of  
10 technologies developed by small business, such as those de-  
11 veloped under the Small Business Innovation Research  
12 Program, into major weapon systems and major auto-  
13 mated information systems for the Department of De-  
14 fense.

15 (b) ELEMENTS.—The review and assessment re-  
16 quired by subsection (a) shall include the following:

17 (1) An analysis of a representative sample of  
18 major weapon systems and major automated infor-  
19 mation systems to determine the content of the sys-  
20 tems from small businesses, including components  
21 transitioned from the Small Business Innovation Re-  
22 search Program.

23 (2) An analysis of established or ad hoc proc-  
24 esses to allow program offices to monitor, evaluate,

1 and transition small business-developed technologies  
2 into their program.

3 (3) Recommendations for developing a system-  
4 atic and sustained process for monitoring, evalu-  
5 ating, and transitioning small business-developed  
6 technologies for use by the entire defense acquisition  
7 system of the Department of Defense, including data  
8 collection and measures of effectiveness and per-  
9 formance.

10 (c) REPORT.—

11 (1) REPORT REQUIRED.—Not later than 120  
12 days after the date of the enactment of this Act, the  
13 entity conducting the review and assessment under  
14 subsection (a) shall submit to the Secretary and the  
15 congressional defense committees a report con-  
16 taining—

17 (A) the results of the review and assess-  
18 ment; and

19 (B) recommendations for improving the  
20 process for managing the transition and inte-  
21 gration of technologies developed by small busi-  
22 ness (including under the Small Business Inno-  
23 vation Research Program) into major weapons  
24 systems and major automated information sys-  
25 tems.



1           (2) ADDITIONAL EVALUATION REQUIRED.—Not  
2       later than 30 days after the date on which the con-  
3       gressional defense committees receive the report re-  
4       quired by paragraph (1), the Secretary shall submit  
5       to such committees an evaluation by the Secretary  
6       of the results and recommendations contained in  
7       such report.

8       (d) SBIR PROGRAM DEFINED.—In this section, the  
9       term “Small Business Innovation Research Program” has  
10      the meaning provided such term by section 2500(11) of  
11      title 10, United States Code.

12   **SEC. 1616. ADDITIONAL RESPONSIBILITIES OF INSPECTOR**  
13                           **GENERAL OF THE DEPARTMENT OF DE-**  
14                           **FENSE.**

15      (a) REQUIREMENT FOR PEER REVIEWS.—Section  
16      8(c) of the Inspector General Act of 1978 (5 U.S.C. App.)  
17      is amended—

18           (1) by striking “and” at the end of paragraph  
19      (8);

20           (2) by striking the period and inserting “; and”  
21      at the end of paragraph (9); and

22           (3) by adding at the end the following new  
23      paragraph:

24           “(10) conduct peer reviews of Department of  
25      Defense audit agencies in accordance with and in

1       such frequency as provided by Government auditing  
2       standards as established by the Comptroller General  
3       of the United States.”.

4       (b) REQUIREMENT FOR ADDITIONAL INFORMATION  
5   IN SEMIANNUAL REPORTS.—Section 8(f) of such Act is  
6   amended by striking paragraph (1) and inserting the fol-  
7   lowing:

8       “(1) Each semiannual report prepared by the Inspec-  
9   tor General of the Department of Defense under section  
10   5(a) shall be transmitted by the Secretary of Defense to  
11   the Committees on Armed Services and on Homeland Se-  
12   curity and Governmental Affairs of the Senate and the  
13   Committees on Armed Services and on Oversight and Gov-  
14   ernment Reform of the House of Representatives and to  
15   other appropriate committees or subcommittees of Con-  
16   gress. Each such report shall include—

17           “(A) information concerning the numbers and  
18       types of contract audits conducted by the Depart-  
19       ment during the reporting period; and

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

1 **SEC. 1617. RESTORATION OF 1 PERCENT FUNDING FOR AD-**  
2 **MINISTRATIVE EXPENSES OF COMMER-**  
3 **CIALIZATION READINESS PROGRAM OF DE-**  
4 **PARTMENT OF DEFENSE.**

5 (a) RESTORATION.—Section 9(y) of the Small Busi-  
6 ness Act (15 U.S.C. 638(y)), as amended by section  
7 5141(b)(1)(B) of the National Defense Authorization Act  
8 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
9 1853) is amended—

10 (1) by redesignating paragraphs (4) and (5) as  
11 paragraphs (5) and (6), respectively; and

12 (2) by inserting after paragraph (3) the fol-  
13 lowing new paragraph (4):

14 “(4) FUNDING.—For payment of expenses in-  
15 curred to administer the Commercialization Readiness  
16 Program under this subsection, the Secretary  
17 of Defense and each Secretary of a military depart-  
18 ment is authorized to use not more than an amount  
19 equal to 1 percent of the funds available to the De-  
20 partment of Defense or the military department pur-  
21 suant to the Small Business Innovation Research  
22 Program. Such funds shall not be used to make  
23 Phase III awards.”.

24 (b) TECHNICAL AMENDMENT.—Section  
25 5141(b)(3)(B) of the National Defense Authorization Act

1 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
2 1854) is amended—

3 (1) by striking “subsection (y)—” and all that  
4 follows through “the following:” and inserting “sub-  
5 section (y), by amending paragraph (4) to read as  
6 follows:”

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect as of January 1, 2012.

9 **Subtitle C—Matters Relating to**  
10 **Small Business Concerns**

11 **PART I—PROCUREMENT CENTER**

12 **REPRESENTATIVES**

13 **SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.**

14 (a) IN GENERAL.—Section 15(l) of the Small Busi-  
15 ness Act (15 U.S.C. 644(l)) is amended by striking the  
16 subsection enumerator and inserting the following:

17 “(l) PROCUREMENT CENTER REPRESENTATIVES.—  
18 ”.

19 (b) ASSIGNMENT AND ROLE.—Paragraph (1) of sec-  
20 tion 15(l) of such Act (15 U.S.C. 644(l)) is amended to  
21 read as follows:

22 “(1) ASSIGNMENT AND ROLE.—The Adminis-  
23 trator shall assign to each major procurement center  
24 a procurement center representative with such as-  
25 sistance as may be appropriate.”.

1       (c) ACTIVITIES.—Section 15(l)(2) of such Act (15  
2 U.S.C. 644(l)(2)) is amended—

3           (1) in the matter preceding subparagraph (A)  
4       by striking “(2) In addition to carrying out the re-  
5       sponsibilities assigned by the Administration, a  
6       breakout” and inserting the following:

7           “(2) ACTIVITIES.—A”;

8           (2) by striking subparagraph (A) and inserting  
9       the following:

10           “(A) attend any provisioning conference or  
11       similar evaluation session during which a deter-  
12       mination may be made with respect to the pro-  
13       curement method to be used to satisfy a re-  
14       quirement, review any acquisition plan with re-  
15       spect to a requirement, and make recommenda-  
16       tions regarding procurement method determina-  
17       tions and acquisition plans;”;

18           (3) in subparagraph (B)—

19           (A) by striking “(B) review, at any time,  
20       restrictions on competition” and inserting the  
21       following:

22           “(B) review, at any time, barriers to small  
23       business participation in Federal contracting”;

24           (B) by striking “items” and inserting  
25       “goods and services”; and

1 (C) by striking “limitations” and inserting  
2 “barriers”;

3 (4) in subparagraph (C) by striking “(C) review  
4 restrictions on competition” and inserting the fol-  
5 lowing:

6 “(C) review barriers to small business par-  
7 ticipation in Federal contracting”;

8 (5) by striking subparagraph (D) and inserting  
9 the following:

10 “(D) review any bundled or consolidated  
11 solicitation or contract in accordance with this  
12 Act;”;

13 (6) by striking subparagraph (E) and inserting  
14 the following:

15 “(E) have electronic access to procurement  
16 records, acquisition plans developed or in devel-  
17 opment, and other data of the procurement cen-  
18 ter commensurate with the level of such rep-  
19 resentative’s approve security clearance classi-  
20 fication;” and

21 (7) by striking subparagraphs (F) and (G) and  
22 inserting the following:

23 “(F) receive, from personnel responsible  
24 for reviewing unsolicited proposals, copies of  
25 unsolicited proposals from small business con-

1           cerns and any information on outcomes relating  
2           to such proposals;

3           “(G) participate in any session or planning  
4           process and review any documents with respect  
5           to a decision to convert an activity performed  
6           by a small business concern to an activity per-  
7           formed by a Federal employee;

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

13          “(I) carry out any other responsibility as-  
14          signed by the Administrator.”.

15          (d) APPEALS.—Section 15(l)(3) of such Act (15  
16          U.S.C. 644(l)(3)) is amended by striking “(3) A breakout  
17          procurement center representative” and inserting the fol-  
18          lowing:

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

21          (e) NOTIFICATION AND INCLUSION.—Paragraph (4)  
22          of section 15(l) of such Act (15 U.S.C. 644(l)) is amended  
23          to read as follows:

24                 “(4) NOTIFICATION AND INCLUSION.—Agency  
25          heads shall ensure that procurement center rep-

1        representatives are included in applicable acquisition  
2        planning processes.”.

3        (f) POSITION REQUIREMENTS.—Section 15(l)(5) of  
4        such Act (15 U.S.C. 644(l)(5)) is amended—

5                (1) by striking the paragraph enumerator and  
6        inserting the following:

7                “(5) POSITION REQUIREMENTS.—”;

8                (2) by striking subparagraphs (A) and (B) and  
9        inserting the following:

10               “(A) IN GENERAL.—A procurement center  
11        representative assigned under this subsection  
12        shall—

13               “(i) be a full-time employee of the Ad-  
14        ministration;

15               “(ii) be fully qualified, technically  
16        trained, and familiar with the goods and  
17        services procured by the major procure-  
18        ment center to which that representative is  
19        assigned; and

20               “(iii) have a Level III Federal Acqui-  
21        sition Certification in Contracting (or any  
22        successor certification) or the equivalent  
23        Department of Defense certification, ex-  
24        cept that any person serving in such a po-  
25        sition on the date of enactment of this



1 clause may continue to serve in that posi-  
2 tion for a period of 5 years without the re-  
3 quired certification.”; and

4 (3) in subparagraph (C) by striking “(C) The  
5 Administration shall establish personnel positions for  
6 breakout procurement representatives and advisers  
7 assigned pursuant to” and inserting the following:

8 “(B) COMPENSATION.—The Administrator  
9 shall establish personnel positions for procure-  
10 ment center representatives assigned under”.

11 (g) MAJOR PROCUREMENT CENTER DEFINED.—Sec-  
12 tion 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amend-  
13 ed—

14 (1) by striking “(6) For purposes” and insert-  
15 ing the following:

16 “(6) MAJOR PROCUREMENT CENTER DE-  
17 FINED.—For purposes”; and

18 (2) by striking “other than commercial items  
19 and which has the potential to incur significant sav-  
20 ings as the result of the placement of a breakout  
21 procurement center representative” and inserting  
22 “goods or services, including goods or services that  
23 are commercially available”.

24 (h) TRAINING.—Section 15(l)(7) of such Act (15  
25 U.S.C. 644(l)(7)) is amended—

1           (1) by striking the paragraph enumerator and  
2       inserting the following:

3           “(7) TRAINING.—”;

4           (2) by striking subparagraph (A) and inserting  
5       the following:

6           “(A) AUTHORIZATION.—At such times as  
7       the Administrator deems appropriate, a pro-  
8       curement center representative shall provide  
9       training for contracting officers, other appro-  
10      priate personnel of the procurement center to  
11      which such representative is assigned, and small  
12      businesses groups seeking to do business with  
13      such procurement center. Such training shall  
14      acquaint the participants with the provisions of  
15      this subsection and shall instruct the partici-  
16      pants in methods designed to further the pur-  
17      poses of this subsection.

18          “(B) LIMITATION.—A procurement center  
19      representative may provide training under sub-  
20      paragraph (A) only to the extent that the train-  
21      ing does not interfere with the representative  
22      carrying out other activities under this sub-  
23      section.”; and

24          (3) in subparagraph (B)—

1 (A) by striking “(B) The breakout pro-  
2 curement center representative” and inserting  
3 the following:

4 “(8) ANNUAL BRIEFING AND REPORT.—A pro-  
5 curement center representative”; and

6 (B) by striking “sixty” and inserting “60”.

7 **SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIRE-**  
8 **MENTS TRAINING.**

9 (a) ESTABLISHMENT.—Not later than 1 year after  
10 the date of enactment of this part, the Defense Acquisition  
11 University and the Federal Acquisition Institute shall each  
12 provide a course on contracting requirements under the  
13 Small Business Act, including the requirements for small  
14 business concerns owned and controlled by service-disabled  
15 veterans, qualified HUBZone small business concerns,  
16 small business concerns owned and controlled by socially  
17 and economically disadvantaged individuals, and small  
18 business concerns owned and controlled by women.

19 (b) COURSE REQUIRED.—To have a Federal Acquisi-  
20 tion Certification in Contracting (or any successor certifi-  
21 cation) or the equivalent Department of Defense certifi-  
22 cation an individual shall be required to complete the  
23 course established under subsection (a).

24 (c) REQUIREMENT THAT BUSINESS OPPORTUNITY  
25 SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of

1 the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is  
2 amended by inserting after “to assist such Program Par-  
3 ticipant.” the following: “The Business Opportunity Spe-  
4 cialist shall have a Level I Federal Acquisition Certifi-  
5 cation in Contracting (or any successor certification) or  
6 the equivalent Department of Defense certification, except  
7 that a Business Opportunity Specialist serving at the time  
8 of the date of enactment of the Small Business Oppor-  
9 tunity Act of 2012 may continue to serve as a Business  
10 Opportunity Specialist for a period of 5 years beginning  
11 on that date of enactment without such a certification.”.

12 (d) GAO REPORT.—Not later than 365 days after  
13 the date of enactment of this part, the Comptroller Gen-  
14 eral of the United States shall conduct a study and submit  
15 a report to the Committee on Small Business of the House  
16 of Representatives and the Committee on Small Business  
17 and Entrepreneurship of the Senate on the relationship  
18 between the size and quality of the acquisition workforce  
19 and the Federal government’s ability to maximize the utili-  
20 zation of small businesses in Federal procurement. The  
21 report shall specifically address the following:

22 (1) The extent to which training on small busi-  
23 ness contracting laws affects a contracting officer’s  
24 determination to use one of the contracting authori-  
25 ties provided in the Small Business Act.

1           (2) The relationship between a robust Federal  
2           acquisition workforce and small business success in  
3           obtaining Federal contracting opportunities.

4           (3) The effect on economic growth if small busi-  
5           nesses experienced a significant reduction in small  
6           business procurement activities.

7           (4) The effect of the anticipated acceleration of  
8           retirements by the acquisition workforce on small  
9           business procurement opportunities.

10 **SEC. 1623. ACQUISITION PLANNING.**

11           Section 15(e)(1) of the Small Business Act (15  
12 U.S.C. 644(e)(1)) is amended—

13           (1) by striking “the various agencies” and in-  
14           serting “a Federal department or agency”; and

15           (2) by striking the period and inserting “and  
16           each such Federal department or agency shall—

17                   “(A) enumerate opportunities for the par-  
18                   ticipation of small business concerns during all  
19                   acquisition planning processes and in all acqui-  
20                   sition plans;

21                   “(B) invite the participation of the appro-  
22                   priate Director of Small and Disadvantaged  
23                   Business Utilization in all acquisition planning  
24                   processes and provide that Director access to all  
25                   acquisition plans in development; and

1           “(C) invite the participation of the appro-  
 2           priate procurement center representative in all  
 3           acquisition planning processes and provide that  
 4           representative access to all acquisition plans in  
 5           development.”.

6 **PART II—GOALS FOR PROCUREMENT CON-**  
 7 **TRACTS AWARDED TO SMALL BUSINESS**  
 8 **CONCERNS**

9 **SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARD-**  
 10 **ED TO SMALL BUSINESS CONCERNS.**

11       (a) IN GENERAL.—Section 15(g) of the Small Busi-  
 12 ness Act (15 U.S.C. 644(g)) is amended by striking the  
 13 subsection enumerator and inserting the following:

14       “(g) GOALS FOR PROCUREMENT CONTRACTS  
 15 AWARDED TO SMALL BUSINESS CONCERNS.—”.

16       (b) GOVERNMENTWIDE GOALS.—Paragraph (1) of  
 17 section 15(g) of such Act (15 U.S.C. 644(g)) is amended  
 18 to read as follows:

19       “(1) GOVERNMENTWIDE GOALS.—The Presi-  
 20 dent shall annually establish Governmentwide goals  
 21 for procurement contracts awarded to small business  
 22 concerns, small business concerns owned and con-  
 23 trolled by service-disabled veterans, qualified  
 24 HUBZone small business concerns, small business  
 25 concerns owned and controlled by socially and eco-

1       nominically disadvantaged individuals, and small busi-  
2       ness concerns owned and controlled by women in ac-  
3       cordance with the following:

4               “(A) The Governmentwide goal for partici-  
5       pation by small business concerns shall be es-  
6       tablished at not less than 25 percent of the  
7       total value of all prime contract awards for each  
8       fiscal year and 40 percent of the total value of  
9       all subcontract awards for each fiscal year.

10              “(B) The Governmentwide goal for partici-  
11       pation by small business concerns owned and  
12       controlled by service-disabled veterans shall be  
13       established at not less than 3 percent of the  
14       total value of all prime contract and at not less  
15       than 3 percent of the total value of all sub-  
16       contract awards for each fiscal year.

17              “(C) The Governmentwide goal for partici-  
18       pation by qualified HUBZone small business  
19       concerns shall be established at not less than 3  
20       percent of the total value of all prime contract  
21       and at not less than 3 percent of the total value  
22       of all subcontract awards for each fiscal year.

23              “(D) The Governmentwide goal for partici-  
24       pation by small business concerns owned and  
25       controlled by socially and economically dis-

1           advantaged individuals shall be established at  
2           not less than 5 percent of the total value of all  
3           prime contract and at not less than 5 percent  
4           of the total value of all subcontract awards for  
5           each fiscal year.

6           “(E) The Governmentwide goal for partici-  
7           pation by small business concerns owned and  
8           controlled by women shall be established at not  
9           less than 5 percent of the total value of all  
10          prime contract and at not less than 5 percent  
11          of the total value of all subcontract awards for  
12          each fiscal year.”.

13          (c) AGENCY GOALS.—Paragraph (2) of section 15(g)  
14   of such Act (15 U.S.C. 644(g)) is amended to read as fol-  
15   lows:

16          “(2) AGENCY GOALS.—

17               “(A) ESTABLISHMENT.—The head of each  
18               Federal agency shall annually establish, for the  
19               agency that individual heads, goals for procure-  
20               ment contracts awarded to small business con-  
21               cerns, small business concerns owned and con-  
22               trolled by service-disabled veterans, qualified  
23               HUBZone small business concerns, small busi-  
24               ness concerns owned and controlled by socially  
25               and economically disadvantaged individuals, and



1 small business concerns owned and controlled  
2 by women.

3 “(B) RELATIONSHIP TO GOVERNMENT-  
4 WIDE GOALS.—

5 “(i) SCOPE.—The goals established by  
6 the head of a Federal agency under sub-  
7 paragraph (A) shall be in the same format  
8 as the goals established by the President  
9 under paragraph (1) and shall address  
10 both prime contract and subcontract  
11 awards.

12 “(ii) REQUIREMENT PERTAINING TO  
13 AGENCY GOALS.—With respect to each  
14 goal for a fiscal year established under  
15 subparagraph (A) for a category of small  
16 business concern, the participation percent-  
17 age applicable to such goal may not be less  
18 than the participation percentage applica-  
19 ble to the Governmentwide goal for such  
20 fiscal year established under paragraph (1)  
21 for such category.

22 “(C) CONSULTATION REQUIRED.—

23 “(i) IN GENERAL.—In establishing  
24 goals under subparagraph (A), the head of

1 each Federal agency shall consult with the  
2 Administrator.

3 “(ii) DISAGREEMENTS.—Except as  
4 provided by clause (iii), if the Adminis-  
5 trator and the head of a Federal agency  
6 fail to agree on a goal established under  
7 subparagraph (A), the disagreement shall  
8 be submitted to the Administrator for Fed-  
9 eral Procurement Policy for final deter-  
10 mination.

11 “(iii) AGENCY GOALS OF THE DE-  
12 PARTMENT OF DEFENSE.—In the case of a  
13 goal proposed by the Secretary of Defense  
14 that is lower than a goal established dur-  
15 ing the preceding fiscal year for the De-  
16 partment of the Defense and for which the  
17 Administrator does not agree, the disagree-  
18 ment shall be submitted to the Adminis-  
19 trator for Federal Procurement Policy for  
20 final determination.

21 “(D) PLAN FOR ACHIEVING GOALS.—After  
22 establishing goals under subparagraph (A) for a  
23 fiscal year, the head of each Federal agency  
24 shall develop a plan for achieving such goals,

1 which shall apportion responsibilities among the  
2 agency's acquisition executives and officials.

3 “(E) EXPANDED PARTICIPATION.—In es-  
4 tablishing goals under subparagraph (A), the  
5 head of each Federal agency shall make a con-  
6 sistent effort to annually expand participation  
7 by small business concerns from each industry  
8 category in procurement contracts of such agen-  
9 cy, including participation by small business  
10 concerns owned and controlled by service-dis-  
11 abled veterans, qualified HUBZone small busi-  
12 ness concerns, small business concerns owned  
13 and controlled by socially and economically dis-  
14 advantaged individuals, and small business con-  
15 cerns owned and controlled by women.

16 “(F) CONSIDERATION.—The head of each  
17 Federal agency, in attempting to attain ex-  
18 panded participation under subparagraph (E),  
19 shall consider—

20 “(i) contracts awarded as the result of  
21 unrestricted competition; and

22 “(ii) contracts awarded after competi-  
23 tion restricted to eligible small business  
24 concerns under this section and under the  
25 program established under section 8(a).

1                   “(G)       COMMUNICATION       REGARDING  
2                   GOALS.—

3                   “(i)   IMPORTANCE   OF   ACHIEVING  
4                   GOALS.—Each procurement employee or  
5                   program manager described in clause (ii)  
6                   shall communicate to the subordinates of  
7                   the procurement employee or program  
8                   manager the importance of achieving goals  
9                   established under subparagraph (A).

10                  “(ii) PROCUREMENT EMPLOYEES OR  
11                  PROGRAM MANAGERS DESCRIBED.—A pro-  
12                  curement employee or program manager  
13                  described in this clause is a senior procure-  
14                  ment executive, senior program manager,  
15                  or Director of Small and Disadvantaged  
16                  Business Utilization of a Federal agency  
17                  having contracting authority.”.

18       (d) ENFORCEMENT; DETERMINATIONS OF THE  
19 TOTAL VALUE OF CONTRACT AWARDS.—Section 15(g) of  
20 the Small Business Act (15 U.S.C. 644(g)), as amended  
21 by this part, is further amended by adding at the end the  
22 following:

23                  “(3) ENFORCEMENT.—If the Administrator  
24                  does not issue the report required in subsection  
25                  (h)(2) on or before the date that is 120 days after

1 the end of the prior fiscal year, the Administrator  
2 may not carry out or establish any pilot program  
3 until the date on which the Administrator issues the  
4 report.

5 “(4) DETERMINATIONS OF THE TOTAL VALUE  
6 OF CONTRACT AWARDS.—For purposes of the goals  
7 established under paragraphs (1) and (2), the total  
8 value of contract awards for a fiscal year may not  
9 be determined in a manner that excludes the value  
10 of a contract based on—

11 “(A) where the contract is awarded;

12 “(B) where the contract is performed;

13 “(C) whether the contract is mandated by  
14 Federal law to be performed by an entity other  
15 than a small business concern;

16 “(D) whether funding for the contract is  
17 made available in an appropriations Act, if the  
18 contract is subject to competitive procedures  
19 under chapter 33 of title 41, United States  
20 Code; or

21 “(E) whether the contract is subject to the  
22 Federal Acquisition Regulation.”.

1 **SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT**  
2 **CONTRACTS AWARDED TO SMALL BUSINESS**  
3 **CONCERNS.**

4 Subsection (h) of section 15 of the Small Business  
5 Act (15 U.S.C. 644) is amended to read as follows:

6 “(h) REPORTING ON GOALS FOR PROCUREMENT  
7 CONTRACTS AWARDED TO SMALL BUSINESS CON-  
8 CERNS.—

9 “(1) AGENCY REPORTS.—At the conclusion of  
10 each fiscal year, the head of each Federal agency  
11 shall submit to the Administrator a report describ-  
12 ing—

13 “(A) the extent of the participation by  
14 small business concerns, small business con-  
15 cerns owned and controlled by veterans (includ-  
16 ing service-disabled veterans), qualified  
17 HUBZone small business concerns, small busi-  
18 ness concerns owned and controlled by socially  
19 and economically disadvantaged individuals, and  
20 small business concerns owned and controlled  
21 by women in the procurement contracts of such  
22 agency during such fiscal year;

23 “(B) whether the agency achieved the  
24 goals established for the agency under sub-  
25 section (g)(2)(A) with respect to such fiscal  
26 year; and

1           “(C) any justifications for a failure to  
2           achieve such goals.

3           “(2) REPORTS BY ADMINISTRATOR.—Not later  
4           than 60 days after receiving a report from each Fed-  
5           eral agency under paragraph (1) with respect to a  
6           fiscal year, the Administrator shall submit to the  
7           President and Congress, and to make available on a  
8           public website, a report that includes—

9           “(A) a copy of each report submitted to  
10          the Administrator under paragraph (1);

11          “(B) a determination of whether each goal  
12          established by the President under subsection  
13          (g)(1) for such fiscal year was achieved;

14          “(C) a determination of whether each goal  
15          established by the head of a Federal agency  
16          under subsection (g)(2)(A) for such fiscal year  
17          was achieved;

18          “(D) the reasons for any failure to achieve  
19          a goal established under paragraph (1) or  
20          (2)(A) of subsection (g) for such fiscal year and  
21          a description of actions planned by the applica-  
22          ble agency to address such failure, including the  
23          Administrator’s comments and recommenda-  
24          tions on the proposed remediation plan;

1           “(E) for the Federal Government and each  
2           Federal agency, an analysis of the number and  
3           dollar amount of prime contracts awarded dur-  
4           ing such fiscal year to—

5                   “(i) small business concerns—

6                           “(I) in the aggregate;

7                           “(II) through sole source con-  
8                           tracts;

9                           “(III) through competitions re-  
10                           stricted to small business concerns;  
11                           and

12                           “(IV) through unrestricted com-  
13                           petition;

14                           “(ii) small business concerns owned  
15                           and controlled by service-disabled vet-  
16                           erans—

17                           “(I) in the aggregate;

18                           “(II) through sole source con-  
19                           tracts;

20                           “(III) through competitions re-  
21                           stricted to small business concerns;

22                           “(IV) through competitions re-  
23                           stricted to small business concerns  
24                           owned and controlled by service-dis-  
25                           abled veterans; and



1 “(V) through unrestricted com-  
2 petition;

3 “(iii) qualified HUBZone small busi-  
4 ness concerns—

5 “(I) in the aggregate;

6 “(II) through sole source con-  
7 tracts;

8 “(III) through competitions re-  
9 stricted to small business concerns;

10 “(IV) through competitions re-  
11 stricted to qualified HUBZone small  
12 business concerns;

13 “(V) through unrestricted com-  
14 petition where a price evaluation pref-  
15 erence was used; and

16 “(VI) through unrestricted com-  
17 petition where a price evaluation pref-  
18 erence was not used;

19 “(iv) small business concerns owned  
20 and controlled by socially and economically  
21 disadvantaged individuals—

22 “(I) in the aggregate;

23 “(II) through sole source con-  
24 tracts;

1 “(III) through competitions re-  
2 stricted to small business concerns;

3 “(IV) through competitions re-  
4 stricted to small business concerns  
5 owned and controlled by socially and  
6 economically disadvantaged individ-  
7 uals;

8 “(V) through unrestricted com-  
9 petition; and

10 “(VI) by reason of that concern’s  
11 certification as a small business  
12 owned and controlled by socially and  
13 economically disadvantaged individ-  
14 uals;

15 “(v) small business concerns owned by  
16 an Indian tribe other than an Alaska Na-  
17 tive Corporation—

18 “(I) in the aggregate;

19 “(II) through sole source con-  
20 tracts;

21 “(III) through competitions re-  
22 stricted to small business concerns;

23 “(IV) through competitions re-  
24 stricted to small business concerns  
25 owned and controlled by socially and

1 economically disadvantaged individ-  
2 uals; and

3 “(V) through unrestricted com-  
4 petition; and

5 “(vi) small business concerns owned  
6 by Native Hawaiian Organization—

7 “(I) in the aggregate;

8 “(II) through sole source con-  
9 tracts;

10 “(III) through competitions re-  
11 stricted to small business concerns;

12 “(IV) through competitions re-  
13 stricted to small business concerns  
14 owned and controlled by socially and  
15 economically disadvantaged individ-  
16 uals; and

17 “(V) through unrestricted com-  
18 petition; and

19 “(vii) small business concerns owned  
20 by an Alaska Native Corporation—

21 “(I) in the aggregate;

22 “(II) through sole source con-  
23 tracts;

24 “(III) through competitions re-  
25 stricted to small business concerns;

1 “(IV) through competitions re-  
2 stricted to small business concerns  
3 owned and controlled by socially and  
4 economically disadvantaged individ-  
5 uals; and

6 “(V) through unrestricted com-  
7 petition; and

8 “(viii) small business concerns owned  
9 and controlled by women—

10 “(I) in the aggregate;

11 “(II) through competitions re-  
12 stricted to small business concerns;

13 “(III) through competitions re-  
14 stricted using the authority under sec-  
15 tion 8(m)(2);

16 “(IV) through competitions re-  
17 stricted using the authority under sec-  
18 tion 8(m)(2) and in which the waiver  
19 authority under section 8(m)(3) was  
20 used; and

21 “(V) through unrestricted com-  
22 petition; and

23 “(F) for the Federal Government and each  
24 Federal agency, the number, dollar amount,  
25 and distribution with respect to the North

1 American Industry Classification System of  
2 subcontracts awarded during such fiscal year to  
3 small business concerns, small business con-  
4 cerns owned and controlled by service-disabled  
5 veterans, qualified HUBZone small business  
6 concerns, small business concerns owned and  
7 controlled by socially and economically dis-  
8 advantaged individuals, and small business con-  
9 cerns owned and controlled by women.”.

10 **SEC. 1633. SENIOR EXECUTIVES.**

11 (a) TRAINING.—Programs established for the devel-  
12 opment of senior executives under section 3396(a) of title  
13 5, United States Code, shall include training with respect  
14 to Federal procurement requirements, including con-  
15 tracting requirements under the Small Business Act (15  
16 U.S.C. 631 et seq.).

17 (b) EVALUATION OF EXECUTIVES.—The head of an  
18 agency shall ensure that evaluations of members of the  
19 senior executive service, as defined under section 3396(a)  
20 of title 5, United States Code, responsible for acquisition,  
21 other senior officials responsible for acquisition, and other  
22 members of the senior executive service, as appropriate,  
23 include consideration of the agency’s success in achieving  
24 small business contracting goals and percentages. Such

1 evaluations shall, as a minimum, consider the extent to  
2 which the executive—

3 (1) promotes a climate or environment that is  
4 responsive to small business concerns;

5 (2) communicates the importance of achieving  
6 the agency’s small business contracting goals; and

7 (3) encourages small business awareness, out-  
8 reach, and support.

9 (c) DEFINITIONS.—In this section the term “respon-  
10 sible for acquisition”, with respect to a member of the sen-  
11 ior executive service or other senior official, means such  
12 a member or official who acquires services or supplies, di-  
13 rects agency organizations to acquire services or supplies,  
14 oversees acquisition officials, including program managers,  
15 contracting officers, and other acquisition workforce per-  
16 sonnel responsible for formulating and approving acquisi-  
17 tion strategies and plans.

### 18 **PART III—MENTOR-PROTEGE PROGRAM**

#### 19 **SEC. 1641. MENTOR-PROTEGE PROGRAMS.**

20 The Small Business Act (15 U.S.C. 631 et seq.) is  
21 amended—

22 (1) by redesignating section 45 as section 46;  
23 and

24 (2) by inserting after section 44 the following:

1 **“SEC. 45. MENTOR-PROTEGE PROGRAMS.**

2 “(a) ADMINISTRATION PROGRAM.—

3 “(1) AUTHORITY.—The Administrator is au-  
4 thorized to establish a mentor-protege program for  
5 all small business concerns.

6 “(2) MODEL FOR PROGRAM.—The mentor-pro-  
7 tege program established under paragraph (1) shall  
8 be identical to the mentor-protege program of the  
9 Administration for small business concerns that par-  
10 ticipate in the program under section 8(a) of this  
11 Act (as in effect on the date of enactment of the Na-  
12 tional Defense Authorization Act for Fiscal Year  
13 2013), except that the Administrator may modify  
14 the program to the extent necessary given the types  
15 of small business concerns included as proteges.

16 “(b) PROGRAMS OF OTHER AGENCIES.—

17 “(1) APPROVAL REQUIRED.—Except as pro-  
18 vided in paragraph (4), a Federal department or  
19 agency may not carry out a mentor-protege program  
20 for small business concerns unless—

21 “(A) the head of the department or agency  
22 submits a plan to the Administrator for the  
23 program; and

24 “(B) the Administrator approves such  
25 plan.

1           “(2) BASIS FOR APPROVAL.—The Adminis-  
2           trator shall approve or disapprove a plan submitted  
3           under paragraph (1) based on whether the program  
4           proposed—

5                   “(A) will assist proteges to compete for  
6           Federal prime contracts and subcontracts; and

7                   “(B) complies with the regulations issued  
8           under paragraph (3).

9           “(3) REGULATIONS.—Not later than 270 days  
10          after the date of enactment of the National Defense  
11          Authorization Act for Fiscal Year 2013, the Admin-  
12          istrator shall issue, subject to notice and comment,  
13          regulations with respect to mentor-protege pro-  
14          grams, which shall ensure that such programs im-  
15          prove the ability of proteges to compete for Federal  
16          prime contracts and subcontracts and which shall  
17          address, at a minimum, the following:

18                   “(A) Eligibility criteria for program par-  
19          ticipants, including any restrictions on the num-  
20          ber of mentor-protege relationships permitted  
21          for each participant.

22                   “(B) The types of developmental assistance  
23          to be provided by mentors, including how the  
24          assistance provided shall improve the competi-  
25          tive viability of the proteges.



1           “(C) Whether any developmental assist-  
2           ance provided by a mentor may affect the sta-  
3           tus of a program participant as a small busi-  
4           ness concern due to affiliation.

5           “(D) The length of mentor-protege rela-  
6           tionships.

7           “(E) The effect of mentor-protege relation-  
8           ships on contracting.

9           “(F) Benefits that may accrue to a mentor  
10          as a result of program participation.

11          “(G) Reporting requirements during pro-  
12          gram participation.

13          “(H) Postparticipation reporting require-  
14          ments.

15          “(I) The need for a mentor-protege pair, if  
16          accepted to participate as a pair in a mentor-  
17          protege program of any Federal department or  
18          agency, to be accepted to participate as a pair  
19          in all Federal mentor-protege programs.

20          “(J) Actions to be taken to ensure benefits  
21          for proteges and to protect proteges against ac-  
22          tions by the mentor that—

23                  “(i) may adversely affect the proteges  
24                  status as a small business; or

1                   “(ii) provide disproportionate eco-  
2                   nomic benefits to the mentor relative to  
3                   those provided the protege.

4                   “(4) LIMITATION ON APPLICABILITY.—Para-  
5                   graph (1) does not apply to the following:

6                   “(A) Any mentor-protege program of the  
7                   Department of Defense.

8                   “(B) Any mentoring assistance provided  
9                   under a Small Business Innovation Research  
10                  Program or a Small Business Technology  
11                  Transfer Program.

12                  “(C) Until the date that is 1 year after the  
13                  date on which the Administrator issues regula-  
14                  tions under paragraph (3), any Federal depart-  
15                  ment or agency operating a mentor-protege pro-  
16                  gram in effect on the date of enactment of the  
17                  National Defense Authorization Act for Fiscal  
18                  Year 2013.

19                  “(c) REPORTING.—

20                  “(1) IN GENERAL.—Not later than 2 years  
21                  after the date of enactment of the National Defense  
22                  Authorization Act for Fiscal Year 2013, and annu-  
23                  ally thereafter, the Administrator shall submit to the  
24                  Committee on Small Business of the House of Rep-

1        representatives and the Committee on Small Business  
2        and Entrepreneurship of the Senate a report that—

3                “(A) identifies each Federal mentor-pro-  
4        tege program;

5                “(B) specifies the number of participants  
6        in each such program, including the number of  
7        participants that are—

8                “(i) small business concerns;

9                “(ii) small business concerns owned  
10       and controlled by service-disabled veterans;

11               “(iii) qualified HUBZone small busi-  
12       ness concerns;

13               “(iv) small business concerns owned  
14       and controlled by socially and economically  
15       disadvantaged individuals; or

16               “(v) small business concerns owned  
17       and controlled by women;

18               “(C) describes the type of assistance pro-  
19       vided to proteges under each such program;

20               “(D) describes the benefits provided to  
21       mentors under each such program; and

22               “(E) describes the progress of proteges  
23       under each such program with respect to com-  
24       peting for Federal prime contracts and sub-  
25       contracts.

1           “(2) PROVISION OF INFORMATION.—The head  
2           of each Federal department or agency carrying out  
3           a mentor-protege program shall provide to the Ad-  
4           ministrator, on an annual basis, the information nec-  
5           essary for the Administrator to submit a report re-  
6           quired under paragraph (1).

7           “(d) DEFINITIONS.—In this section, the following  
8           definitions apply:

9           “(1) MENTOR.—The term ‘mentor’ means a  
10          for-profit business concern, of any size, that—

11                  “(A) has the ability to assist and commits  
12                  to assisting a protege to compete for Federal  
13                  prime contracts and subcontracts; and

14                  “(B) satisfies any other requirements im-  
15                  posed by the Administrator.

16          “(2) MENTOR-PROTEGE PROGRAM.—The term  
17          ‘mentor-protege program’ means a program that  
18          pairs a mentor with a protege for the purpose of as-  
19          sisting the protege to compete for Federal prime  
20          contracts and subcontracts.

21          “(3) PROTEGE.—The term ‘protege’ means a  
22          small business concern that—

23                  “(A) is eligible to enter into Federal prime  
24                  contracts and subcontracts; and

1                   “(B) satisfies any other requirements im-  
2                   posed by the Administrator.

3           “(e) CURRENT MENTOR PROTEGE AGREEMENTS.—  
4 Mentors and proteges with approved agreement in a pro-  
5 gram operating pursuant to subsection (b)(4)(C) shall be  
6 permitted to continue their relationship according to the  
7 terms specified in their agreement until the expiration  
8 date specified in the agreement.

9           “(f) SUBMISSION OF AGENCY PLANS.—Agencies op-  
10 erating mentor protege programs pursuant to subsection  
11 (b)(4)(C) must submit the plans specified in subsection  
12 (b)(1)(A) to the Administrator within 6 months of the pro-  
13 mulgation of rules required by subsection (b)(3). The Ad-  
14 ministrator shall provide initial comments on each plan  
15 within 60 days of receipt, and final approval or denial of  
16 each plan with 180 days of receipt.”.

17 **SEC. 1642. GOVERNMENT ACCOUNTABILITY OFFICE RE-**  
18 **PORT.**

19           Not later than the date that is 2 years after the agen-  
20 cies operating subject to section 45(b)(4)(C) of the Small  
21 Business Act have their plans approved or denied by the  
22 Administrator, the Comptroller General of the United  
23 States shall conduct a study to—

1           (1) update the study required by section 1345  
 2           of the Small Business Jobs Act of 2010 (Pub. Law  
 3           111–240);

4           (2) examine whether potential affiliation issues  
 5           between mentors and proteges under the prior pro-  
 6           grams have been resolved by enactment of this Act;  
 7           and

8           (3) examine whether the regulations issued pur-  
 9           suant to section 45(b)(3)(I) of the Small Business  
 10          Act have increased opportunities for mentor-protege  
 11          pairs, and if they have decreased the paperwork re-  
 12          quired for such pairs participating in programs at  
 13          multiple agencies.

#### 14   **PART IV—TRANSPARENCY IN SUBCONTRACTING**

##### 15       **Subpart A—Limitations on Subcontracting**

##### 16   **SEC. 1651. LIMITATIONS ON SUBCONTRACTING.**

17          The Small Business Act (15 U.S.C. 631 et seq.) is  
 18          amended—

19               (1) by redesignating section 45 as section 47;  
 20               and

21               (2) by inserting after section 44 the following:

##### 22   **“SEC. 45. LIMITATIONS ON SUBCONTRACTING.**

23          “(a) IN GENERAL.—If awarded a contract under sec-  
 24          tion 8(a), 8(m), 15(a), 31, or 36, a covered small business  
 25          concern—

1           “(1) in the case of a contract for services, may  
2           not expend on subcontractors more than 50 percent  
3           of the amount paid to the concern under the con-  
4           tract;

5           “(2) in the case of a contract for supplies  
6           (other than from a regular dealer in such supplies),  
7           may not expend on subcontractors more than 50  
8           percent of the amount, less the cost of materials,  
9           paid to the concern under the contract;

10           “(3) in the case of a contract described in more  
11           than 1 of paragraphs (1) through (2)—

12                   “(A) shall determine for which category of  
13                   services or supplies, described in 1 of para-  
14                   graphs (1) through (4), the greatest percentage  
15                   of the contract amount is awarded;

16                   “(B) shall determine the amount awarded  
17                   under the contract for that category of services  
18                   or supplies; and

19                   “(C) may not expend on subcontractors,  
20                   with respect to the amount determined under  
21                   subparagraph (B), more than—

22                           “(i) 50 percent of that amount, if the  
23                           category of services or supplies applicable  
24                           under subparagraph (A) is described in  
25                           paragraph (1); and

1                   “(ii) 50 percent of that amount, if the  
2                   category of services or supplies applicable  
3                   under subparagraph (A) is described in  
4                   paragraph (2); and

5                   “(4) in the case of a contract for supplies from  
6                   a regular dealer in such supplies, shall supply the  
7                   product of a domestic small business manufacturer  
8                   or processor, unless a waiver of such requirement is  
9                   granted—

10                  “(A) by the Administrator, after reviewing  
11                  a determination by the applicable contracting  
12                  officer that no small business manufacturer or  
13                  processor can reasonably be expected to offer a  
14                  product meeting the specifications (including  
15                  period for performance) required by the con-  
16                  tract; or

17                  “(B) by the Administrator for a product  
18                  (or class of products), after determining that no  
19                  small business manufacturer or processor is  
20                  available to participate in the Federal procure-  
21                  ment market.

22                  “(b) SIMILARLY SITUATED ENTITIES.—Contract  
23                  amounts expended by a covered small business concern on  
24                  a subcontractor that is a similarly situated entity shall not  
25                  be considered subcontracted for purposes of determining



1 whether the covered small business concern has violated  
2 a requirement established under subsection (a) or (d).

3 “(c) MODIFICATIONS OF PERCENTAGES.—

4 “(1) IN GENERAL.—The Administrator may  
5 change, by rule (after providing notice and an oppor-  
6 tunity for public comment), a percentage specified in  
7 paragraphs (1) through (4) of subsection (a) if the  
8 Administrator determines that such change is nec-  
9 essary to reflect conventional industry practices  
10 among business concerns that are below the numer-  
11 ical size standard for businesses in that industry  
12 category.

13 “(2) UNIFORMITY.—A change to a percentage  
14 under paragraph (1) shall apply to all covered small  
15 business concerns.

16 “(d) OTHER CONTRACTS.—

17 “(1) IN GENERAL.—With respect to a category  
18 of contracts to which a requirement under sub-  
19 section (a) does not apply, the Administrator is au-  
20 thorized to establish, by rule (after providing notice  
21 and an opportunity for public comment), a require-  
22 ment that a covered small business concern may not  
23 expend on subcontractors more than a specified per-  
24 centage of the amount paid to the concern under a  
25 contract in that category.

1           “(2) UNIFORMITY.—A requirement established  
2           under paragraph (1) shall apply to all covered small  
3           business concerns.

4           “(3) CONSTRUCTION PROJECTS.—The Adminis-  
5           trator shall establish, through public rulemaking, re-  
6           quirements similar to those specified in paragraph  
7           (1) to be applicable to contracts for general and spe-  
8           cialty construction and to contracts for any other in-  
9           dustry category not otherwise subject to the require-  
10          ments of such paragraph. The percentage applicable  
11          to any such requirement shall be determined in ac-  
12          cordance with paragraph (2).

13          “(e) DEFINITIONS.—In this section, the following  
14          definitions apply:

15               “(1) COVERED SMALL BUSINESS CONCERN.—  
16               The term ‘covered small business concern’ means a  
17               business concern that—

18                       “(A) with respect to a contract awarded  
19                       under section 8(a), is a small business concern  
20                       eligible to receive contracts under that section;

21                       “(B) with respect to a contract awarded  
22                       under section 8(m)—

23                               “(i) is a small business concern owned  
24                               and controlled by women (as defined in  
25                               that section); or

1           “(ii) is a small business concern  
2           owned and controlled by women (as de-  
3           fined in that section) that is not less than  
4           51 percent owned by 1 or more women  
5           who are economically disadvantaged (and  
6           such ownership is determined without re-  
7           gard to any community property law);

8           “(C) with respect to a contract awarded  
9           under section 15(a), is a small business con-  
10          cern;

11          “(D) with respect to a contract awarded  
12          under section 31, is a qualified HUBZone small  
13          business concern; or

14          “(E) with respect to a contract awarded  
15          under section 36, is a small business concern  
16          owned and controlled by service-disabled vet-  
17          erans.

18          “(2) SIMILARLY SITUATED ENTITY.—The term  
19          ‘similarly situated entity’ means a subcontractor  
20          that—

21               “(A) if a subcontractor for a small busi-  
22               ness concern, is a small business concern;

23               “(B) if a subcontractor for a small busi-  
24               ness concern eligible to receive contracts under  
25               section 8(a), is such a concern;

1           “(C) if a subcontractor for a small busi-  
 2           ness concern owned and controlled by women  
 3           (as defined in section 8(m)), is such a concern;

4           “(D) if a subcontractor for a small busi-  
 5           ness concern owned and controlled by women  
 6           (as defined in section 8(m)) that is not less  
 7           than 51 percent owned by 1 or more women  
 8           who are economically disadvantaged (and such  
 9           ownership is determined without regard to any  
 10          community property law), is such a concern;

11          “(E) if a subcontractor for a qualified  
 12          HUBZone small business concern, is such a  
 13          concern; or

14          “(F) if a subcontractor for a small busi-  
 15          ness concern owned and controlled by service-  
 16          disabled veterans, is such a concern.”.

17 **SEC. 1652. PENALTIES.**

18          Section 16 of the Small Business Act (15 U.S.C. 645)  
 19          is amended by adding at the end the following:

20          “(g) SUBCONTRACTING LIMITATIONS.—

21                 “(1) IN GENERAL.—Whoever violates a require-  
 22          ment established under section 45 shall be subject to  
 23          the penalties prescribed in subsection (d), except  
 24          that, for an entity that exceeded a limitation on sub-  
 25          contracting under such section, the fine described in

1 subsection (d)(2)(A) shall be treated as the greater  
2 of—

3 “(A) \$500,000; or

4 “(B) the dollar amount expended, in excess  
5 of permitted levels, by the entity on subcontractors.  
6

7 “(2) MONITORING.—Not later than 1 year after  
8 the date of enactment of this subsection, the Administrator shall take such actions as are necessary to  
9 ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator, the appropriate Director of the Office of  
10 Small and Disadvantaged Business Utilization, and  
11 the appropriate contracting officer if a requirement  
12 established under section 45 is violated.”.  
13  
14  
15

16 **SEC. 1653. CONFORMING AMENDMENTS.**

17 (a) HUBZONES.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended—

18 (1) in subparagraph (A)(i) by striking subclause (III) and inserting the following:

21 “(III) with respect to any sub-  
22 contract entered into by the small  
23 business concern pursuant to a contract awarded to the small business  
24 concern under section 31, the small  
25

1 business concern will ensure that the  
2 requirements of section 45 are satis-  
3 fied; and”;

4 (2) by striking subparagraphs (B) and (C); and  
5 (3) by redesignating subparagraph (D) as sub-  
6 paragraph (B).

7 (b) ENTITIES ELIGIBLE FOR CONTRACTS UNDER  
8 SECTION 8(a).—Section 8(a) of such Act (15 U.S.C.  
9 637(a)) is amended by striking paragraph (14) and insert-  
10 ing the following:

11 “(14) LIMITATIONS ON SUBCONTRACTING.—A  
12 concern may not be awarded a contract under this  
13 subsection as a small business concern unless the  
14 concern agrees to satisfy the requirements of section  
15 45.”.

16 (c) SMALL BUSINESS CONCERNS.—Section 15 of  
17 such Act (15 U.S.C. 644) is amended by striking sub-  
18 section (o) and inserting the following:

19 “(o) LIMITATIONS ON SUBCONTRACTING.—A concern  
20 may not be awarded a contract under subsection (a) as  
21 a small business concern unless the concern agrees to sat-  
22 isfy the requirements of section 45.”.

23 **SEC. 1654. REGULATIONS.**

24 Not later than 180 days after the date of enactment  
25 of this Act, the Administrator of the Small Business Ad-

1 ministration shall issue guidance with respect to compli-  
 2 ance with the changes made to the Small Business Act  
 3 by the amendments in this part, with opportunities for no-  
 4 tice and comment.

5 **Subpart B—Subcontracting Plans**

6 **SEC. 1655. SUBCONTRACTING PLANS.**

7 (a) SUBCONTRACTING REPORTING REQUIRE-  
 8 MENTS.—

9 (1) IN GENERAL.—Section 8(d)(6) of the Small  
 10 Business Act (15 U.S.C. 637(d)(6)) is amended—

11 (A) by striking “(6) Each subcontracting  
 12 plan” and inserting the following:

13 “(6) SUBCONTRACTING PLAN REQUIRE-  
 14 MENTS.—Each subcontracting plan”;

15 (B) by amending subparagraph (E) to read  
 16 as follows:

17 “(E) assurances that the offeror or bidder  
 18 will—

19 “(i) submit—

20 “(I) not later than 180 days  
 21 after the date on which performance  
 22 under the applicable contract begins,  
 23 and every 180 days thereafter until  
 24 contract performance ends, a report  
 25 that describes all subcontracting ac-

1                   tivities under the contract during the  
2                   preceding 180-day period;

3                   “(II) not later than 1 year after  
4                   the date on which performance under  
5                   the applicable contract begins, and  
6                   annually thereafter until contract per-  
7                   formance ends, a report that describes  
8                   all subcontracting activities under the  
9                   contract that have occurred before the  
10                  date on which the report is submitted;  
11                  and

12                  “(III) not later than 30 days  
13                  after the date on which performance  
14                  under the applicable contract ends, a  
15                  report that describes all subcon-  
16                  tracting activities under the contract;  
17                  and

18                  “(ii) cooperate with any study or sur-  
19                  vey required by the applicable Federal  
20                  agency or the Administration to determine  
21                  the extent of compliance by the offeror or  
22                  bidder with the subcontracting plan;”;

23                  (C) by moving the margins for subpara-  
24                  graphs (A), (B), (C), (D), and (F) 2 ems to the  
25                  right (so that the align with subparagraph (E),



1 as amended by subparagraph (B) of this para-  
2 graph).

3 (2) REPORTING SYSTEM MODIFICATION.—

4 (A) IN GENERAL.—Not later than 1 year  
5 after the date of enactment of this part, the  
6 Administrator of the Small Business Adminis-  
7 tration shall take such actions as are necessary  
8 to ensure that the Federal subcontracting re-  
9 porting system to which covered reports are  
10 submitted is modified to notify the Adminis-  
11 trator, the appropriate contracting officer, and  
12 the appropriate Director of Small and Dis-  
13 advantaged Business Utilization if an entity  
14 fails to submit a required covered report. If the  
15 Administrator does not modify the subcon-  
16 tracting reporting system on or before the date  
17 that is 1 year after the date of enactment of  
18 this part, the Administrator may not carry out  
19 or establish any pilot program until the date  
20 the Administrator modifies the reporting sys-  
21 tem.

22 (B) COVERED REPORT DEFINED.—In this  
23 paragraph, the term “covered report” means a  
24 report submitted in accordance with assurances

1 provided under section 8(d)(6)(E) of the Small  
2 Business Act (15 U.S.C. 637(d)(6)(E)).

3 (b) FAILURE TO SUBMIT SUBCONTRACTING RE-  
4 PORTS AS BREACH OF CONTRACT.—Section 8(d)(8) of  
5 such Act (15 U.S.C. 637(d)(8)) is amended—

6 (1) by striking “(8) The failure” and inserting  
7 the following:

8 “(8) MATERIAL BREACH.—The failure”;

9 (2) in subparagraph (A) by striking “sub-  
10 section, or” and inserting “subsection,”;

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

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

15 “(C) assurances provided under paragraph  
16 (6)(E),”; and

17 (5) by moving the margins of subparagraphs  
18 (A), (B), and the matter following subparagraph (B)  
19 2 ems to the right.

20 (c) AUTHORITY OF SMALL BUSINESS ADMINISTRA-  
21 TION.—Section 8(d)(10) of such Act (15 U.S.C.  
22 637(d)(10)) is amended—

23 (1) by striking “(10) In the case of” and insert-  
24 ing the following:

1           “(10) AUTHORITY OF ADMINISTRATION.—In  
2     the case of”;

3           (2) in subparagraph (B) by striking “, which  
4     shall be advisory in nature,”;

5           (3) in subparagraph (C) by striking “, either on  
6     a contract-by-contract basis, or in the case contrac-  
7     tors” and inserting “as a supplement to evaluations  
8     performed by the contracting agency, either on a  
9     contract-by-contract basis or, in the case of contrac-  
10    tors”; and

11          (4) by moving the margins of subparagraphs  
12    (A) through (C) 2 ems to the right.

13          (d) APPEALS.—Section 8(d) of such Act (15 U.S.C.  
14    637(d)) is amended by adding at the end the following:

15           “(13) REVIEW AND ACCEPTANCE OF SUBCON-  
16    TRACTING PLANS.—

17           “(A) IN GENERAL.—Except as provided in  
18           subparagraph (E), if a procurement center rep-  
19           resentative or commercial market representative  
20           determines that a subcontracting plan required  
21           under paragraph (4) or (5) fails to provide the  
22           maximum practicable opportunity for covered  
23           small business concerns to participate in the  
24           performance of the contract to which the plan  
25           applies, such representative may delay accept-

1           ance of the plan in accordance with subpara-  
2           graph (B).

3           “(B) PROCESS.—

4                 “(i) IN GENERAL.—Except as pro-  
5                 vided in clause (ii), a procurement center  
6                 representative or commercial market rep-  
7                 resentative who makes the determination  
8                 under subparagraph (A) with respect to a  
9                 subcontracting plan may delay acceptance  
10                of the plan for a 30-day period by pro-  
11                viding written notice of such determination  
12                to head of the procuring activity of the  
13                contracting agency. Such notice shall in-  
14                clude recommendations for altering the  
15                plan to provide the maximum practicable  
16                opportunity described in that subpara-  
17                graph.

18               “(ii) EXCEPTION.—In the case of the  
19                Department of Defense, a procurement  
20                center representative or commercial market  
21                representative who makes the determina-  
22                tion under subparagraph (A) with respect  
23                to a subcontracting plan may delay accept-  
24                ance of the plan for a 15-day period by  
25                providing written notice of such determina-

1           tion to appropriate personnel of the De-  
2           partment of Defense. Such notice shall in-  
3           clude recommendations for altering the  
4           plan to provide the maximum practicable  
5           opportunity described in that subpara-  
6           graph. The authority of a procurement  
7           center representative or commercial market  
8           representative to delay acceptance of a  
9           subcontracting plan as provided in sub-  
10          paragraph (A), does not include the au-  
11          thority to delay the award or performance  
12          of the contract concerned.

13           “(C) DISAGREEMENTS.—If a procurement  
14          center representative or commercial market rep-  
15          resentative delays the acceptance of a subcon-  
16          tracting plan under subparagraph (B) and does  
17          not reach agreement with head of the procuring  
18          activity of the contracting agency to alter the  
19          plan to provide the maximum practicable oppor-  
20          tunity described in subparagraph (A) not later  
21          than 30 days from the date written notice was  
22          provided, the disagreement shall be submitted  
23          to the head of the contracting agency by the  
24          Administrator for a final determination.

1           “(D) COVERED SMALL BUSINESS CON-  
2           CERNS DEFINED.—In this paragraph, the term  
3           ‘covered small business concerns’ means small  
4           business concerns, qualified HUBZone small  
5           business concerns, small business concerns  
6           owned and controlled by veterans, small busi-  
7           ness concerns owned and controlled by service-  
8           disabled veterans, small business concerns  
9           owned and controlled by socially and economi-  
10          cally disadvantaged individuals, and small busi-  
11          ness concerns owned and controlled by women.

12           “(E) EXCEPTION.—The procurement cen-  
13          ter representative or commercial market rep-  
14          resentative may not delay the acceptance of a  
15          subcontracting plan if the appropriate personnel  
16          of the contracting agency certify that the agen-  
17          cy’s need for the property or services is of such  
18          an unusual and compelling urgency that the  
19          United States would be seriously injured unless  
20          the agency is permitted to accept the subcon-  
21          tracting plan.”.

22   **SEC. 1656. NOTICES OF SUBCONTRACTING OPPORTUNI-**  
23           **TIES.**

24          Section 8(k)(1) of the Small Business Act (15 U.S.C.  
25   637(k)(1)) is amended by striking “in the Commerce

1 Business Daily” and inserting “on the appropriate Fed-  
2 eral Web site (as determined by the Administrator)”.

3 **SEC. 1657. REGULATIONS.**

4 Not later than 180 days after the date of enactment  
5 of this Act, the Administrator of the Small Business Ad-  
6 ministration shall issue guidance with respect to the  
7 changes made to the Small Business Act, with opportunity  
8 for notice and comment.

9 **Subpart C—Publication of Certain Documents**

10 **SEC. 1658. PUBLICATION OF CERTAIN DOCUMENTS.**

11 The Small Business Act (15 U.S.C. 631 et seq.), as  
12 amended by this part, is further amended by inserting  
13 after section 45 the following:

14 **“SEC. 46. PUBLICATION OF CERTAIN DOCUMENTS.**

15 “A Federal agency, other than the Department of  
16 Defense, may only convert a function that is being per-  
17 formed by a small business concern to performance by a  
18 Federal employee if the agency has made publicly available  
19 the procedures and methodologies of the agency with re-  
20 spect to decisions to convert a function being performed  
21 by a small business concern to performance by a Federal  
22 employee, including procedures and methodologies for de-  
23 termining which contracts will be studied for potential  
24 conversion; procedures and methodologies by which a con-  
25 tract is evaluated as inherently governmental or as a crit-

1 ical agency function; and procedures and methodologies  
2 for estimating and comparing costs.”.

3 **PART V—SMALL BUSINESS CONCERN SIZE**

4 **STANDARDS**

5 **SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.**

6 Section 3 of the Small Business Act (15 U.S.C. 632)  
7 is amended—

8 (1) by striking “SEC. 3.” and inserting the fol-  
9 lowing:

10 **“SEC. 3. DEFINITIONS.”;**

11 and

12 (2) in subsection (a)—

13 (A) by striking the subsection enumerator  
14 and inserting the following:

15 “(a) SMALL BUSINESS CONCERNS.—”;

16 (B) in paragraph (1) by striking “(1) For  
17 the purposes” and inserting the following:

18 “(1) IN GENERAL.—For the purposes”;

19 (C) in paragraph (3) by striking “(3)  
20 When establishing” and inserting the following:

21 “(3) VARIATION BY INDUSTRY AND CONSIDER-  
22 ATION OF OTHER FACTORS.—When establishing”;

23 (D) by moving paragraph (5), including  
24 each subparagraph and clause therein, 2 ems to  
25 the right; and



1 (E) by adding at the end the following:

2 “(6) PROPOSED RULE MAKING.—In conducting  
3 rulemaking to revise, modify or establish size stand-  
4 ards pursuant to this section, the Administrator  
5 shall consider, and address, and make publicly avail-  
6 able as part of the notice of proposed rule making  
7 and notice of final rule each of the following:

8 “(A) a detailed description of the industry  
9 for which the new size standard is proposed;

10 “(B) an analysis of the competitive envi-  
11 ronment for that industry;

12 “(C) the approach the Administrator used  
13 to develop the proposed standard including the  
14 source of all data used to develop the proposed  
15 rulemaking; and

16 “(D) the anticipated effect of the proposed  
17 rulemaking on the industry, including the num-  
18 ber of concerns not currently considered small  
19 that would be considered small under the pro-  
20 posed rulemaking and the number of concerns  
21 currently considered small that would be  
22 deemed other than small under the proposed  
23 rulemaking.

24 “(7) COMMON SIZE STANDARDS.—In carrying  
25 out this subsection, the Administrator may establish

1 or approve a single size standard for a grouping of  
 2 four digit North American Industrial Classification  
 3 codes only if the Administrator makes publicly avail-  
 4 able, not later than the date on which such size  
 5 standard is established or approved, a justification  
 6 demonstrating that such size standard is appropriate  
 7 for each individual industry classification included in  
 8 the grouping.

9 “(8) NUMBER OF SIZE STANDARDS.—The Ad-  
 10 ministrator shall not limit the number of size stand-  
 11 ards it creates pursuant to paragraph (2), and shall  
 12 assign the appropriate size standard to each North  
 13 American Industrial Classification System Code”.

## 14 **PART VI—CONTRACT BUNDLING**

### 15 **SEC. 1671. CONSOLIDATION OF PROVISIONS RELATING TO** 16 **CONTRACT BUNDLING.**

17 Section 44 of the Small Business Act (15 U.S.C.  
 18 657q) is amended to read as follows:

#### 19 **“SEC. 44. CONTRACT BUNDLING.**

20 “(a) DEFINITIONS.—In this Act:

21 “(1) BUNDLED CONTRACT.—The term ‘bundled  
 22 contract’—

23 “(A) means a contract that is entered into  
 24 to meet procurement requirements that are  
 25 combined in a bundling of contract require-

1           ments, without regard to whether a study of the  
2           effects of the solicitation on Federal officers or  
3           employees has been made; and

4           “(B) does not include—

5                   “(i) a contract with an aggregate dol-  
6                   lar value below the dollar threshold; or

7                   “(ii) a single award contract for the  
8                   acquisition of a weapons system acquired  
9                   through a major defense acquisition.

10          “(2) BUNDLING METHODOLOGY.—The term  
11          ‘bundling methodology’ means—

12                   “(A) a solicitation to obtain offers for a  
13                   single contract or a multiple award contract;

14                   “(B) a solicitation of offers for the  
15                   issuance of a task or a delivery order under an  
16                   existing single or multiple award contract; or

17                   “(C) the creation of any new procurement  
18                   requirements that permits a combination of  
19                   contract requirements, including any combina-  
20                   tion of contract requirements or order require-  
21                   ments.

22          “(3) BUNDLING OF CONTRACT REQUIRE-  
23          MENTS.—The term ‘bundling of contract require-  
24          ments’, with respect to the contract requirements of  
25          a Federal agency—

1           “(A) means the use of any bundling meth-  
2           odology to satisfy 2 or more procurement re-  
3           quirements for new or existing goods or services  
4           provided to or performed for the Federal agen-  
5           cy, including any construction services, that is  
6           likely to be unsuitable for award to a small-  
7           business concern due to—

8                   “(i) the diversity, size, or specialized  
9                   nature of the elements of the performance  
10                  specified;

11                  “(ii) the aggregate dollar value of the  
12                  anticipated award;

13                  “(iii) the geographical dispersion of  
14                  the contract performance sites; or

15                  “(iv) any combination of the factors  
16                  described in clauses (i), (ii), and (iii); and

17           “(B) does not include the use of a bun-  
18           dling methodology for an anticipated award  
19           with an aggregate dollar value below the dollar  
20           threshold.

21           “(4) CHIEF ACQUISITION OFFICER.—The term  
22           ‘Chief Acquisition Officer’ means the employee of a  
23           Federal agency designated as the Chief Acquisition  
24           Officer for the Federal agency under section 1702(a)  
25           of title 41, United States Code.

1           “(5) CONTRACT.—The term ‘contract’ includes,  
2           for purposes of this section, any task order made  
3           pursuant to an indefinite quantity, indefinite deliv-  
4           ery contract.

5           “(6) CONTRACT BUNDLING.—The term ‘con-  
6           tract bundling’ means the process by which a bun-  
7           dled contract is created.

8           “(7) DOLLAR THRESHOLD.—The term ‘dollar  
9           threshold’ means—

10                   “(A) in the case of a contract for construc-  
11                   tion, \$5,000,000; and

12                   “(B) in any other case, \$2,000,000.

13           “(8) MAJOR DEFENSE ACQUISITION PRO-  
14           GRAM.—The term ‘major defense acquisition pro-  
15           gram’ has the meaning given in section 2430(a) of  
16           title 10, United States Code.

17           “(9) PREVIOUSLY BUNDLED CONTRACT.—The  
18           term ‘previously bundled contract’ means a contract  
19           that is the successor to a contract that required a  
20           bundling analysis, contract for which any of the suc-  
21           cessor contract were designated as a consolidated  
22           contract or bundled contract in the Federal procure-  
23           ment database, or a contract for which the Adminis-  
24           trator designated the prior contract as a bundled  
25           contract.

1           “(10) PROCUREMENT ACTIVITY.—The term  
2           ‘procurement activity’ means the Federal agency or  
3           office thereof acquiring goods or services.

4           “(11) PROCUREMENT REQUIREMENT.—The  
5           term ‘procurement requirement’ means a determina-  
6           tion by an agency that the acquisition of a specified  
7           good or service is needed to satisfy the mission of  
8           the agency.

9           “(12) SENIOR PROCUREMENT EXECUTIVE.—  
10          The term ‘senior procurement executive’ means an  
11          official designated under section 1702(c) of title 41,  
12          United States Code, as the senior procurement exec-  
13          utive for a Federal agency.

14          “(13) TRADE ASSOCIATION.—The term ‘trade  
15          association’ means any entity that is described in  
16          paragraph (3), (6), (12), or (19) of section 501(c)  
17          of the Internal Revenue Code of 1986 and which is  
18          exempt from tax under section 501(a) of such Code.

19          “(b) POLICY.—The head of each Federal agency shall  
20          ensure that the decisions made by the Federal agency re-  
21          garding contract bundling are made with a view to pro-  
22          viding small business concerns with the maximum prac-  
23          ticable opportunities to participate as prime contractors  
24          and subcontractors in the procurements of the Federal  
25          agency.

1 “(c) CONTRACT BUNDLING.—

2 “(1) PROPOSED PROCUREMENTS.—Paragraphs  
3 (2) through (4) shall apply to a proposed procure-  
4 ment if the proposed procurement—

5 “(A) one or more small business concerns  
6 would suffer economic harm or disruption of its  
7 business operations, including the potential loss  
8 of an existing contract, as a direct or indirect  
9 result of the contract bundling;

10 “(B) includes, in its statement of work,  
11 goods or services—

12 “(i)(I) currently being performed by a  
13 small business; and

14 “(II) if the proposed procurement is  
15 in a quantity or estimated dollar value the  
16 magnitude of which renders small business  
17 prime contract participation unlikely; or

18 “(ii)(I) that are of a type that the Ad-  
19 ministrator through market research can  
20 demonstrate that two or more small busi-  
21 nesses are capable of performing; and

22 “(II) if the statement of work pro-  
23 poses combining the goods or services iden-  
24 tified in subclause (I) with other require-

1                   ments for goods or services into the solici-  
2                   tation of offers;

3                   “(C) is for construction and—

4                   “(i) seeks to package or combine dis-  
5                   crete construction projects; or

6                   “(ii) the value of the goods or services  
7                   subject to the contract exceeds the dollar  
8                   threshold; or

9                   “(D) is determined by the Administrator  
10                  to have a solicitation that involves an unneces-  
11                  sary or unjustified bundling of contract require-  
12                  ments.

13               “(2) RESPONSIBILITY OF THE PROCUREMENT  
14               ACTIVITY.—At least 45 days prior to the issuance of  
15               a solicitation, the Procurement Activity shall notify  
16               and provide a copy of the proposed procurement to  
17               the procurement center representative assigned to  
18               the Procurement Activity. The 45-day notification  
19               process under this paragraph shall occur concur-  
20               rently with other processing steps required prior to  
21               issuance of the solicitation. The notice shall include  
22               a statement as to why the agency has determined  
23               that contract bundling is necessary and justified and  
24               shall also describe why the proposed acquisition can-



1 not be offered so as to make small business partici-  
2 pation likely. Such statement shall address—

3 “(A) why the proposed acquisition cannot  
4 be further divided into reasonably small lots or  
5 discrete tasks in order to permit offers by small  
6 business concerns;

7 “(B) if applicable, a list of the incumbent  
8 contractors disaggregated by and including  
9 names, addresses, and whether or not the con-  
10 tractor is a small business concern;

11 “(C) a description of the industries that  
12 might be interested in bidding on the contract  
13 requirements;

14 “(D) an assessment of the impact on small  
15 businesses that had bid on previous procure-  
16 ment requirements that are included in the  
17 bundling of contract requirements;

18 “(E) delineating the number of existing  
19 small business concerns whose contracts will  
20 cease if the contract bundling proceeds;

21 “(F) if delivery schedule was a factor in  
22 the decision to bundle, an explanation as to why  
23 a schedule could not be developed that would  
24 encourage small business participation; and

1           “(G) in the case of a construction contract,  
2           why construction cannot be procured as separate discrete projects.

3           “(3) PUBLICATION OF NOTICE STATEMENT.—  
4           Concurrently, the statement required in paragraph  
5           (2) shall be published in the Federal contracting opportunities database.

6           “(4) RECOMPETITION OF A PREVIOUSLY BUNDLED CONTRACT.—If the proposed procurement is a  
7           previously bundled contract, that is to be recompeted  
8           as a bundled contract, the Administrator shall determine, with the assistance of the agency proposing  
9           the procurement—

10           “(A) the amount of savings and benefits  
11           (in accordance with subsection (d)) achieved  
12           under the bundling of contract requirements;

13           “(B) whether such savings and benefits  
14           will continue to be realized if the contract remains bundled, and whether such savings and  
15           benefits would be greater if the procurement requirements were divided into separate solicitations  
16           suitable for award to small business concerns;

17           “(C) the dollar value of subcontracts  
18           awarded to small business concerns under the

1 bundled contract, disaggregated by North  
2 American Industrial Classification System  
3 Code;

4 “(D) the percentage of subcontract dollars  
5 awarded to small businesses under the bundled  
6 contract, disaggregated by North American In-  
7 dustrial Classification System Code; and

8 “(E) the dollar amount and percentage of  
9 prime contract dollars awarded to small busi-  
10 nesses in the primary North American Indus-  
11 trial Classification System Code for that bun-  
12 dled contract during each of the two fiscal years  
13 preceding the award of the bundled contract  
14 and during each fiscal year of the performance  
15 of the bundled contract.

16 “(5) FAILURE TO PROVIDE NOTICE.—

17 “(A) NO NOTIFICATION RECEIVED.—If no  
18 notification of the proposed procurement or ac-  
19 companying statement is received, but the Ad-  
20 ministrator determines that the proposed pro-  
21 curement is a proposed procurement described  
22 in paragraph (1), then the Administrator shall  
23 require that such a statement of work be com-  
24 pleted by the Procurement Activity and sent to  
25 the procurement center representative and post-

1           pone the solicitation process for at least 10  
2           days but not more than 45 days to allow the  
3           Administrator to review the statement and  
4           make recommendations as described in this sec-  
5           tion before the procurement process is contin-  
6           ued.

7           “(B) NO WORK CONTINUED.—If the Ad-  
8           ministrator requires a Procurement Activity to  
9           provide a statement of work pursuant to sub-  
10          paragraph (A), the Procurement Activity shall  
11          not be permitted to continue with the procure-  
12          ment until such time as the Procurement Activ-  
13          ity complies with the requirements of subpara-  
14          graph (A).

15          “(6) RESPONSIBILITY OF THE PROCUREMENT  
16          CENTER REPRESENTATIVE.—Within 15 days after  
17          receipt of the proposed procurement and accom-  
18          panying statement, if the procurement center rep-  
19          resentative believes that the procurement as pro-  
20          posed will render small business prime contract par-  
21          ticipation unlikely, the representative shall rec-  
22          ommend to the Procurement Activity alternative pro-  
23          curement methods which would increase small busi-  
24          ness prime contracting opportunities.

1           “(7) DISAGREEMENT BETWEEN THE ADMINIS-  
2           TRATOR AND THE PROCUREMENT ACTIVITY.—

3           “(A) IN GENERAL.—If the Administrator  
4           determines that a small business concern would  
5           be adversely affected, directly or indirectly, by  
6           the proposed procurement, or if a small busi-  
7           ness concern or a trade association of which  
8           that small business concern is a member so re-  
9           quests, the Administrator may take action  
10          under this paragraph to further the interests of  
11          small businesses.

12          “(B) APPEAL TO AGENCY HEAD.—The  
13          proposed procurement shall be submitted for  
14          determination to the head of the contracting  
15          agency by the Administrator.

16          “(C) APPEAL BY AFFECTED SMALL BUSI-  
17          NESS CONCERN TO GAO.—For purposes of sub-  
18          chapter V of chapter 35 of title 31, United  
19          States Code, if a protest is submitted to the  
20          Comptroller General under that subchapter al-  
21          leging a violation of this section of the Small  
22          Business Act, a trade association representing  
23          small business concerns shall be considered an  
24          interested party.

25          “(d) MARKET RESEARCH.—

1           “(1) IN GENERAL.—Before proceeding with an  
2           acquisition strategy that could lead to bundled con-  
3           tracts, the head of an agency shall conduct market  
4           research to determine whether bundling of the re-  
5           quirements is necessary and justified.

6           “(2) FACTORS.—For purposes of subsection  
7           (c)(1), a bundled contract is necessary and justified  
8           if the bundling of contract requirements will result  
9           in substantial measurable benefits in excess of those  
10          benefits resulting from a procurement of the con-  
11          tract requirements that does not involve contract  
12          bundling.

13          “(3) BENEFITS.—For the purposes of bundling  
14          of contract requirements, benefits described in para-  
15          graph (2) may include the following:

16               “(A) Cost savings.

17               “(B) Quality improvements.

18               “(C) Reduction in acquisition cycle times.

19               “(D) Better terms and conditions.

20               “(E) Any other benefits.

21          “(4) REDUCTION OF COSTS NOT DETERMINA-  
22          TIVE.—For purposes of this subsection:

23               “(A) Cost savings shall not include any re-  
24               duction in the use of military interdepartmental  
25               purchase requests or any similar transfer funds

1           among Federal agencies for the use of a con-  
2           tract issued by another Federal agency.

3           “(B) The reduction of administrative or  
4           personnel costs alone shall not be a justification  
5           for bundling of contract requirements unless  
6           the cost savings are expected to be substantial  
7           in relation to the dollar value of the procure-  
8           ment requirements to be bundled.

9           “(5) LIMITATION ON ACQUISITION STRATEGY.—  
10          The head of a Federal agency may not carry out an  
11          acquisition strategy that includes bundled contracts  
12          valued in excess of the dollar threshold, unless the  
13          senior procurement executive or, if applicable, Chief  
14          Acquisition Officer, for the Federal agency, certifies  
15          to the head of the Federal agency that steps will be  
16          taken to include small business concerns in the ac-  
17          quisition strategy prior to the implementation of  
18          such acquisition strategy.

19          “(e) STRATEGY SPECIFICATIONS.—If the head of a  
20          contracting agency determines that an acquisition plan or  
21          proposed procurement strategy will result in a bundled  
22          contract, the proposed acquisition plan or procurement  
23          strategy shall—

1           “(1) identify specifically the benefits anticipated  
2           to be derived from the bundling of contract require-  
3           ments;

4           “(2) set forth an assessment of the specific im-  
5           pediments to participation by small business con-  
6           cerns as prime contractors that result from the con-  
7           tract bundling and specify actions designed to maxi-  
8           mize small business participation as subcontractors  
9           (including suppliers) at various tiers under the con-  
10          tract or contracts that are awarded to meet the re-  
11          quirements; and

12          “(3) include a specific determination that the  
13          anticipated measurable benefits of the proposed bun-  
14          dled contract justify its use.

15          “(f) CONTRACT TEAMING.—In the case of a solicita-  
16          tion of offers for a bundled contract that is issued by the  
17          head of an agency, a small-business concern may submit  
18          an offer that provides for use of a particular team of sub-  
19          contractors for the performance of the contract. The head  
20          of the agency shall evaluate the offer in the same manner  
21          as other offers, with due consideration to the capabilities  
22          of all of the proposed subcontractors. If a small business  
23          concern teams under this paragraph, it shall not affect  
24          its status as a small business concern for any other pur-  
25          pose.



1       “(g) DATABASE, ANALYSIS, AND ANNUAL REPORT  
2 REGARDING CONTRACT BUNDLING.—

3           “(1) DATABASE.—Not later than 180 days  
4 after the date of the enactment of this subsection,  
5 the Administrator shall develop and shall thereafter  
6 maintain a database containing data and informa-  
7 tion regarding—

8           “(A) each bundled contract awarded by a  
9 Federal agency; and

10          “(B) each small business concern that has  
11 been displaced as a prime contractor as a result  
12 of the award of such a contract.

13          “(2) ANALYSIS.—For each bundled contract  
14 that is to be recompeted, the Administrator shall de-  
15 termine—

16          “(A) the amount of savings and benefits  
17 realized, in comparison with the savings and  
18 benefits anticipated by the analysis required  
19 under subsection (d) prior to the contract  
20 award; and

21          “(B) whether such savings and benefits  
22 will continue to be realized if the contract re-  
23 mains bundled, and whether such savings and  
24 benefits would be greater if the procurement re-  
25 quirements were divided into separate solicita-

1           tions suitable for award to small business con-  
2           cerns.

3           “(3) ANNUAL REPORT ON CONTRACT BUN-  
4       DLING.—

5           “(A) IN GENERAL.—Not later than 1 year  
6           after the date of the enactment of this para-  
7           graph, and annually in March thereafter, the  
8           Administrator shall transmit a report on con-  
9           tract bundling to the Committee on Small Busi-  
10          ness of the House of Representatives and the  
11          Committee on Small Business and Entrepre-  
12          neurship of the Senate.

13          “(B) CONTENTS.—Each report trans-  
14          mitted under subparagraph (A) shall include—

15               “(i) data on the number, arranged by  
16               industrial classification, of small business  
17               concerns displaced as prime contractors as  
18               a result of the award of bundled contracts  
19               by Federal agencies; and

20               “(ii) a description of the activities  
21               with respect to previously bundled con-  
22               tracts of each Federal agency during the  
23               preceding year, including—

1           “(I) data on the number and  
2           total dollar amount of all contract re-  
3           quirements that were bundled; and

4           “(II) with respect to each bun-  
5           dled contract, data or information  
6           on—

7                   “(aa) the justification for  
8                   the bundling of contract require-  
9                   ments;

10                   “(bb) the cost savings real-  
11                   ized by bundling the contract re-  
12                   quirements over the life of the  
13                   contract;

14                   “(cc) the extent to which  
15                   maintaining the bundled status  
16                   of contract requirements is pro-  
17                   jected to result in continued cost  
18                   savings;

19                   “(dd) the extent to which  
20                   the bundling of contract require-  
21                   ments complied with the con-  
22                   tracting agency’s small business  
23                   subcontracting plan, including  
24                   the total dollar value awarded to  
25                   small business concerns as sub-

1 contractors and the total dollar  
2 value previously awarded to small  
3 business concerns as prime con-  
4 tractors; and

5 “(ee) the impact of the bun-  
6 dling of contract requirements on  
7 small business concerns unable to  
8 compete as prime contractors for  
9 the consolidated requirements  
10 and on the industries of such  
11 small business concerns, includ-  
12 ing a description of any changes  
13 to the proportion of any such in-  
14 dustry that is composed of small  
15 business concerns.

16 “(h) BUNDLING ACCOUNTABILITY MEASURES.—

17 “(1) TEAMING REQUIREMENTS.—Each Federal  
18 agency shall include in each solicitation for any mul-  
19 tiple award contract above the dollar threshold a  
20 provision soliciting bids from any responsible source,  
21 including responsible small business concerns and  
22 teams or joint ventures of small business concerns.

23 “(2) POLICIES ON REDUCTION OF CONTRACT  
24 BUNDLING.—

1           “(A) IN GENERAL.—Not later than 270  
2           days after the date of enactment of this sub-  
3           paragraph, the Federal Acquisition Regulatory  
4           Council, established under section 1302(a) of  
5           title 41, United States Code, shall amend the  
6           Federal Acquisition Regulation issued under  
7           section 1303 of such title to—

8                   “(i) establish a Government-wide pol-  
9                   icy regarding contract bundling, including  
10                  regarding the solicitation of teaming and  
11                  joint ventures; and

12                  “(ii) require that the policy estab-  
13                  lished under clause (i) be published on the  
14                  website of each Federal agency.

15           “(B) RATIONALE FOR CONTRACT BUN-  
16           DLING.—Not later than 30 days after the date  
17           on which the head of a Federal agency submits  
18           the report required under section 15(h), the  
19           head of the Federal agency shall publish on the  
20           website of the Federal agency a list and ration-  
21           ale for any bundled contract for which the Fed-  
22           eral agency solicited bids or that was awarded  
23           by the Federal agency.”.

1 **SEC. 1672. REPEAL OF REDUNDANT PROVISIONS.**

2 (a) CERTAIN PROVISIONS REGARDING CONTRACT  
3 BUNDLING REPEALED.—

4 (1) Section 15(a) of the Small Business Act (15  
5 U.S.C. 644(a)), is amended by striking “If a pro-  
6 posed procurement includes” and all that follows  
7 through “the matter shall be submitted for deter-  
8 mination to the Secretary or the head of the appro-  
9 priate department or agency by the Administrator.”.

10 (2) All references in law to such sentences as  
11 they were in effect on the date that is one day prior  
12 to the effective date of this Act shall be deemed to  
13 be references to section 44(d), as added by this part.

14 (b) CERTAIN PROVISIONS REGARDING MARKET RE-  
15 SEARCH REPEALED.—

16 (1) Paragraphs (2) through (4) of section 15(e)  
17 of the Small Business Act (15 U.S.C. 644(e)) are  
18 repealed.

19 (2) All references in law to such paragraphs, as  
20 in effect on the date that is one day prior to the ef-  
21 fective date of this Act, shall be deemed to be ref-  
22 erences to subsections (d) through (f), respectively,  
23 of section 44 of the Small Business Act, as added  
24 by this section.

25 (c) CERTAIN PROVISIONS REGARDING CONTRACT  
26 BUNDLING DATABASE REPEALED.—

1           (1) Paragraph (1) of section 15(p) of the Small  
2       Business Act (15 U.S.C. 644(p)) is repealed.

3           (2) Paragraphs (2) through (4) of section 15(p)  
4       of the Small Business Act (15 U.S.C. 644(p)) are  
5       repealed. All references in law to such paragraphs,  
6       as in effect on the date that is one day prior to the  
7       effective date of this Act, shall be deemed to be ref-  
8       erences to paragraphs (1) through (3), respectively,  
9       of section 44(h) of the Small Business Act, as added  
10      by this part.

11      (d) CERTAIN PROVISIONS REGARDING BUNDLING  
12      ACCOUNTABILITY MEASURES REPEALED.—

13           (1) Paragraphs (1) and (2) of section 15(q) of  
14       the Small Business Act (15 U.S.C. 644(q)) are re-  
15       pealed.

16           (2) All references in law to such paragraphs, as  
17       in effect on the date that is one day prior to the ef-  
18       fective date of this Act, shall be deemed to be ref-  
19       erences to paragraphs (1) and (2), respectively, of  
20       section 44(i) of the Small Business Act, as added by  
21       this part.

22      (e) CERTAIN PROVISIONS REGARDING.—Subsection  
23      (o) of section 3 of the Small Business Act (15 U.S.C.)  
24      is repealed.

1 **SEC. 1673. TECHNICAL AMENDMENTS.**

2 Section 15 of the Small Business Act (15 U.S.C. 644)  
3 is amended—

4 (1) in the heading of subsection (p), to read as  
5 follows: “ACCESS TO DATA.—”; and

6 (2) in the heading of subsection (q), to read as  
7 follows: “REPORTS RELATED TO PROCUREMENT  
8 CENTER REPRESENTATIVES.—”.

9 **PART VII—INCREASED PENALTIES FOR FRAUD**

10 **SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE**  
11 **EFFORTS.**

12 (a) **SMALL BUSINESS FRAUD.**—Section 16(d) of the  
13 Small Business Act (15 U.S.C. 645(d)) is amended by in-  
14 serting after paragraph (2) the following:

15 “(3) **LIMITATION ON LIABILITY.**—This sub-  
16 section shall not apply to any conduct in violation of  
17 subsection (a) if the defendant acted in reliance on  
18 a written advisory opinion from a licensed attorney  
19 who is not an employee of the defendant.”.

20 (b) **REGULATIONS.**—Not later than 270 days after  
21 the date of enactment of this part, the Administrator of  
22 the Small Business Administration shall issue rules defin-  
23 ing what constitutes an adequate advisory opinion for pur-  
24 poses of section 16(d)(3) of the Small Business Act.

25 (c) **SMALL BUSINESS COMPLIANCE GUIDE.**—Not  
26 later than 270 days after the date of enactment of this



1 part, the Administrator of the Small Business Administra-  
2 tion shall issue (pursuant to section 212 of the Small  
3 Business Regulatory Enforcement Fairness Act of 1996)  
4 a compliance guide to assist business concerns in accu-  
5 rately determining their status as a small business con-  
6 cern.

7 **SEC. 1682. OFFICE OF HEARINGS AND APPEALS.**

8 (a) CHIEF HEARING OFFICER.—Section 4(b)(1) of  
9 the Small Business Act is amended by adding at the end  
10 the following: “One shall be designated at the time of his  
11 or her appointment as the Chief Hearing Officer, who  
12 shall head and administer the Office of Hearings and Ap-  
13 peals within the Administration.”.

14 (b) OFFICE OF HEARINGS AND APPEALS ESTAB-  
15 LISHED IN ADMINISTRATION.—Section 5 of the Small  
16 Business Act (15 U.S.C. 634) is amended by adding at  
17 the end the following:

18 “(i) OFFICE OF HEARINGS AND APPEALS.—

19 “(1) IN GENERAL.—There is established in the  
20 Administration an Office of Hearings and Appeals—

21 “(A) to impartially decide such matters,  
22 where Congress designates that a hearing on  
23 the record is required or which the Adminis-  
24 trator designates by regulation or otherwise;  
25 and

1           “(B) which shall contain the Administra-  
2           tion’s Freedom of Information/Privacy Acts Of-  
3           fice.

4           “(2) CHIEF HEARING OFFICER.—The Chief  
5           Hearing Officer shall be a career member of the  
6           Senior Executive Service and an attorney duly li-  
7           censed by any State, commonwealth, territory, or the  
8           District of Columbia.

9           “(A) DUTIES.—The Chief Hearing Officer  
10          shall—

11               “(i) serve as the Chief Administrative  
12               Law Judge; and

13               “(ii) be responsible for the operation  
14               and management of the Office of Hearings  
15               and Appeals, pursuant to the rules of prac-  
16               tice established by the Administrator.

17           “(B) ALTERNATIVE DISPUTE RESOLU-  
18           TION.—The Chief Hearing Officer may also as-  
19           sign a matter for mediation or other means of  
20           alternative dispute resolution.

21           “(3) ADMINISTRATIVE LAW JUDGES.—

22               “(A) IN GENERAL.—An administrative law  
23               judge shall be an attorney duly licensed by any  
24               State, commonwealth, territory, or the District  
25               of Columbia.

1           “(B) CONDITIONS OF EMPLOYMENT.—(i)

2           An administrative law judge shall serve in the  
3           excepted service as an employee of the Adminis-  
4           tration under section 2103 of title 5, United  
5           States Code, and under the supervision of the  
6           Chief Hearing Officer.

7           “(ii) Administrative law judge positions  
8           shall be classified at Senior Level, as such term  
9           is defined in section 5376 of title 5, United  
10          States Code.

11          “(iii) Compensation for administrative law  
12          judge positions shall be set in accordance with  
13          the pay rates of section 5376 of title 5, United  
14          States Code.

15          “(C) TREATMENT OF CURRENT PER-  
16          SONNEL.—An individual serving as a Judge in  
17          the Office of Hearings and Appeals (as that po-  
18          sition and office are designated in section  
19          134.101 of title 13, Code of Federal Regula-  
20          tions (as in effect on January 1, 2012)) on the  
21          effective date of this subsection shall be consid-  
22          ered as qualified to be and redesignated as ad-  
23          ministrative law judges.

24          “(D) POWERS.—An administrative law  
25          judge shall have the authority to conduct hear-

1           ings in accordance with sections 554, 556, and  
2           557 of title 5, United States Code.”.

3 **SEC. 1683. REQUIREMENT FRAUDULENT BUSINESSES BE**  
4 **SUSPENDED OR DEBARRED.**

5       (a) IN GENERAL.—Section 16(d)(2)(C) of the Small  
6 Business Act (15 U.S.C. 645(d)(2)(C)) is amended by  
7 striking “on the basis that such misrepresentation indi-  
8 cates a lack of business integrity that seriously and di-  
9 rectly affects the present responsibility to perform any  
10 contract awarded by the Federal Government or a sub-  
11 contract under such a contract”.

12       (b) REVISION TO FAR.—Not later than 270 days  
13 after the date of enactment of this part, the Federal Ac-  
14 quisition Regulation shall be revised to implement the  
15 amendment made by this section.

16       (c) DEVELOPMENT AND PROMULGATION OF GUID-  
17 ANCE.—Not later than 270 days after the date of enact-  
18 ment of this part, the Administrator of the Small Business  
19 Administration shall develop and promulgate guidance im-  
20 plementing this section.

21       (d) PUBLICATION OF PROCEDURES REGARDING SUS-  
22 PENSION AND DEBARMENT.—Not later than 270 days  
23 after the date of enactment of this part, the Administrator  
24 shall publish on the Administration’s Web site the stand-  
25 ard operating procedures for suspension and debarment

1 in effect, and the name and contact information for the  
2 individual designated by the Administrator as the senior  
3 individual responsible for suspension and debarment pro-  
4 ceedings.

5 **SEC. 1684. ANNUAL REPORT ON SUSPENSIONS AND**  
6 **DEBARMENTS PROPOSED BY SMALL BUSI-**  
7 **NESS ADMINISTRATION.**

8 (a) REPORT REQUIREMENT.—The Administrator of  
9 the Small Business Administration shall submit each year  
10 to the Committee on Small Business and Entrepreneur-  
11 ship of the Senate, and the Committee on Small Business  
12 of the House of Representatives a report on the suspen-  
13 sion and debarment actions taken by the Administrator  
14 during the year preceding the year of submission of the  
15 report.

16 (b) MATTERS COVERED.—The report required by  
17 subsection (a) shall include the following information for  
18 the year covered by the report:

19 (1) NUMBER.—The number of contractors pro-  
20 posed for suspension or debarment.

21 (2) SOURCE.—The office within a Federal  
22 agency that originated each proposal for suspension  
23 or debarment.

24 (3) REASONS.—The reason for each proposal  
25 for suspension or debarment.

1           (4) RESULTS.—The result of each proposal for  
 2           suspension or debarment, and the reason for such  
 3           result.

4           (5) REFERRALS.—The number of suspensions  
 5           or debarments referred to the Inspector General of  
 6           the Small Business Administration or another agen-  
 7           cy, or to the Attorney General (for purposes of this  
 8           paragraph, the Administrator may redact identifying  
 9           information on names of companies or other infor-  
 10          mation in order to protect the integrity of any ongo-  
 11          ing criminal or civil investigation).

12                   **PART VIII—OFFICES OF SMALL AND**  
 13                   **DISADVANTAGED BUSINESS UNITS**

14   **SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSI-**  
 15                   **NESS UTILIZATION.**

16          (a) APPOINTMENT AND POSITION OF DIRECTOR.—  
 17          Section 15(k)(2) of the Small Business Act (15 U.S.C.  
 18          644(k)(2)) is amended by striking “such agency,” and in-  
 19          serting “such agency to a position that is a Senior Execu-  
 20          tive Service position (as such term is defined under section  
 21          3132(a) of title 5, United States Code), except that, for  
 22          any agency in which the positions of Chief Acquisition Of-  
 23          ficer and senior procurement executive (as such terms are  
 24          defined under section 44(a) of this Act) are not Senior  
 25          Executive Service positions, the Director of Small and Dis-

1 advantaged Business Utilization may be appointed to a  
2 position compensated at not less than the minimum rate  
3 of basic pay payable for grade GS-15 of the General  
4 Schedule under section 5332 of such title (including com-  
5 parability payments under section 5304 of such title);”.

6 (b) PERFORMANCE APPRAISALS.—Section 15(k)(3)  
7 of such Act (15 U.S.C. 644(k)(3)) is amended—

8 (1) by striking “be responsible only to, and re-  
9 port directly to, the head” and inserting “shall be  
10 responsible only to (including with respect to per-  
11 formance appraisals), and report directly and exclu-  
12 sively to, the head”; and

13 (2) by striking “be responsible only to, and re-  
14 port directly to, such Secretary” and inserting “be  
15 responsible only to (including with respect to per-  
16 formance appraisals), and report directly and exclu-  
17 sively to, such Secretary”.

18 (c) SMALL BUSINESS TECHNICAL ADVISERS.—Sec-  
19 tion 15(k)(8)(B) of such Act (15 U.S.C. 644(k)(8)(B)) is  
20 amended—

21 (1) by striking “and 15 of this Act,” and in-  
22 serting “, 15, and 44 of this Act;”; and

23 (2) by inserting after “of this Act” the fol-  
24 lowing: “(giving priority in assigning to small busi-  
25 ness that are in metropolitan statistical areas for

1       which the unemployment rate is higher than the na-  
2       tional average unemployment rate for the United  
3       States)’’.

4       (d) ADDITIONAL REQUIREMENTS.—Section 15(k) of  
5       such Act (15 U.S.C. 644(k)) is amended by inserting after  
6       paragraph (10) the following:

7               “(11) shall review and advise such agency on  
8       any decision to convert an activity performed by a  
9       small business concern to an activity performed by  
10      a Federal employee;

11              “(12) shall provide to the Chief Acquisition Of-  
12      ficer and senior procurement executive of such agen-  
13      cy advice and comments on acquisition strategies,  
14      market research, and justifications related to section  
15      44 of this Act;

16              “(13) may provide training to small business  
17      concerns and contract specialists, except that such  
18      training may only be provided to the extent that the  
19      training does not interfere with the Director car-  
20      rying out other responsibilities under this subsection;

21              “(14) shall receive unsolicited proposals and,  
22      when appropriate, forward such proposals to per-  
23      sonnel of the activity responsible for reviewing such  
24      proposals;



1           “(15) shall carry out exclusively the duties enu-  
 2           merated in this Act, and shall, while the Director,  
 3           not hold any other title, position, or responsibility,  
 4           except as necessary to carry out responsibilities  
 5           under this subsection; and

6           “(16) shall submit, each fiscal year, to the  
 7           Committee on Small Business of the House of Rep-  
 8           resentatives and the Committee on Small Business  
 9           and Entrepreneurship of the Senate a report de-  
 10          scribing—

11                   “(A) the training provided by the Director  
 12                   under paragraph (13) in the most recently com-  
 13                   pleted fiscal year;

14                   “(B) the percentage of the budget of the  
 15                   Director used for such training in the most re-  
 16                   cently completed fiscal year; and

17                   “(C) the percentage of the budget of the  
 18                   Director used for travel in the most recently  
 19                   completed fiscal year.”.

20          (e) REQUIREMENT OF CONTRACTING EXPERIENCE  
 21          FOR OSDBU DIRECTOR.—Section 15(k) of the Small  
 22          Business Act (15 U.S.C. 644(k)), as amended by this part,  
 23          is further amended, in the matter preceding paragraph  
 24          (1), by striking “who shall” and insert the following: “,  
 25          with experience serving in any combination of the fol-

1 lowing roles: federal contracting officer, small business  
2 technical advisor, contracts administrator for federal gov-  
3 ernment contracts, attorney specializing in federal pro-  
4 curement law, small business liaison officer, officer or em-  
5 ployee who managed federal government contracts for a  
6 small business, or individual whose primary responsibil-  
7 ities were for the functions and duties of section 8, 15  
8 or 44 of this Act. Such officer or employee”.

9 (f) TECHNICAL AMENDMENTS.—Section 15(k) of  
10 such Act (15 U.S.C. 644(k)), as amended, is further  
11 amended—

12 (1) in paragraph (1)—

13 (A) by striking “be known” and inserting  
14 “shall be known”; and

15 (B) by striking “such agency,” and insert-  
16 ing “such agency;”;

17 (2) in paragraph (2) by striking “be appointed  
18 by” and inserting “shall be appointed by”;

19 (3) in paragraph (3)—

20 (A) by striking “director” and inserting  
21 “Director”; and

22 (B) by striking “Secretary’s designee,” and  
23 inserting “Secretary’s designee;”;

24 (4) in paragraph (4)—

1 (A) by striking “be responsible” and in-  
2 serting “shall be responsible”; and

3 (B) by striking “such agency,” and insert-  
4 ing “such agency;”;

5 (5) in paragraph (5) by striking “identify pro-  
6 posed” and inserting “shall identify proposed”;

7 (6) in paragraph (6) by striking “assist small”  
8 and inserting “shall assist small”;

9 (7) in paragraph (7)—

10 (A) by striking “have supervisory” and in-  
11 serting “shall have supervisory”; and

12 (B) by striking “this Act,” and inserting  
13 “this Act;”;

14 (8) in paragraph (8)—

15 (A) by striking “assign a” and inserting  
16 “shall assign a”; and

17 (B) in subparagraph (A), by striking “the  
18 activity, and” and inserting “the activity; and”;

19 (9) in paragraph (9)—

20 (A) by striking “cooperate, and” and in-  
21 serting “shall cooperate, and”; and

22 (B) by striking “subsection, and” and in-  
23 serting “subsection;”;

24 (10) in paragraph (10)—

1 (A) by striking “make recommendations”  
 2 and inserting “shall make recommendations”;

3 (B) by striking “subsection (a), or section”  
 4 and inserting “subsection (a), section”;

5 (C) by striking “Act or section 2323” and  
 6 inserting “Act, or section 2323”;

7 (D) by striking “Code. Such recommenda-  
 8 tions shall” and inserting “Code, which shall”;  
 9 and

10 (E) by striking “contract file.” and insert-  
 11 ing “contract file;”.

12 **SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY**  
 13 **COUNCIL.**

14 (a) DUTIES.—Section 7104(b) of the Federal Acqui-  
 15 sition Streamlining Act of 1994 (15 U.S.C. 644 note) is  
 16 amended—

17 (1) in paragraph (1) by striking “and” at the  
 18 end;

19 (2) in paragraph (2) by striking “authorities.”  
 20 and inserting “authorities;”; and

21 (3) by adding at the end the following:

22 “(3) to conduct reviews of each Office of Small  
 23 and Disadvantaged Business Utilization established  
 24 under section 15(k) of the Small Business Act (15

1 U.S.C. 644(k)) to determine the compliance of each  
2 Office with requirements under such section;

3 “(4) to identify best practices for maximizing  
4 small business utilization in Federal contracting that  
5 may be implemented by Federal agencies having pro-  
6 curement powers; and

7 “(5) to submit, annually, to the Committee on  
8 Small Business of the House of Representatives and  
9 the Committee on Small Business and Entrepre-  
10 neurship of the Senate a report describing—

11 “(A) the comments submitted under para-  
12 graph (2) during the 1-year period ending on  
13 the date on which the report is submitted, in-  
14 cluding any outcomes related to the comments;

15 “(B) the results of reviews conducted  
16 under paragraph (3) during such 1-year period;  
17 and

18 “(C) best practices identified under para-  
19 graph (4) during such 1-year period.”.

20 (b) MEMBERSHIP.—Section 7104(c)(3) of such Act  
21 (15 U.S.C. 644 note) is amended by striking “(established  
22 under section 15(k) of the Small Business Act (15 U.S.C.  
23 644(k))”.

24 (c) CHAIRMAN.—Section 7104(d) of such Act (15  
25 U.S.C. 644 note) is amended by inserting after “Small

1 Business Administration” the following: “(or the designee  
2 of the Administrator)”.

3 **PART IX—EARLY STAGE SMALL BUSINESS**

4 **CONTRACTING**

5 **SEC. 1693a. PROGRAM TO PROVIDE FEDERAL CONTRACTS**  
6 **TO EARLY STAGE SMALL BUSINESSES.**

7 (a) IN GENERAL.—The Small Business Act (15  
8 U.S.C. 631 et seq.) is amended by adding at the end the  
9 following:

10 **“SEC. 46. PROGRAM TO PROVIDE FEDERAL CONTRACTS TO**  
11 **EARLY STAGE SMALL BUSINESSES.**

12 “(a) ESTABLISHMENT.—The Administrator shall es-  
13 tablish and carry out a program in accordance with the  
14 requirements of this section to provide improved access to  
15 Federal contract opportunities for early stage small busi-  
16 ness concerns.

17 “(b) PROCUREMENT CONTRACTS.—

18 “(1) IN GENERAL.—In carrying out subsection  
19 (a), the Administrator, in consultation with other  
20 Federal agencies, shall identify procurement con-  
21 tracts of Federal agencies for award under the pro-  
22 gram.

23 “(2) CONTRACT AWARDS.—Under the program  
24 established pursuant to this section, the award of a  
25 procurement contract of a Federal agency identified

1 by the Administrator pursuant to paragraph (1)  
2 shall be made by the agency to an eligible program  
3 participant selected, and determined to be respon-  
4 sible, by the agency.

5 “(3) COMPETITION.—

6 “(A) SOLE SOURCE.—A contracting officer  
7 may award a sole source contract under this  
8 program if such concern is determined to be a  
9 responsible contractor with respect to perform-  
10 ance of such contract opportunity and the con-  
11 tracting officer does not have a reasonable ex-  
12 pectation that 2 or more early stage small busi-  
13 ness concerns will submit offers for the con-  
14 tracting opportunity and in the estimation of  
15 the contracting officer, the contract award can  
16 be made at a fair and reasonable price.

17 “(B) RESTRICTED COMPETITION.—A con-  
18 tracting officer may award contracts on the  
19 basis of competition restricted to early stage  
20 small business concerns if the contracting offi-  
21 cer has a reasonable expectation that not less  
22 than 2 early stage small business concerns will  
23 submit offers and that the award can be made  
24 at a fair market price.

1           “(4) CONTRACT VALUE.—Contracts shall be  
2           awarded under this program if its value is greater  
3           than \$3,000 and less than half the upper threshold  
4           of section 15(j)(1) of the Small Business Act.

5           “(c) ELIGIBILITY.—Only an early stage small busi-  
6           ness concern shall be eligible to compete for a contract  
7           to be awarded under the program. The Administrator shall  
8           certify that a small business concern is an early stage  
9           small business concern, or the Administrator shall approve  
10          a Federal agency, a State government, or a national certi-  
11          fying entity to certify that the business meets the eligi-  
12          bility criteria of an early stage small business concern.

13          “(d) TECHNICAL ASSISTANCE.—The Administrator  
14          shall provide early stage small business concerns with  
15          technical assistance and counseling with regard to—

16                 “(1) applying for and competing for Federal  
17                 contracts; and

18                 “(2) fulfilling the administrative responsibilities  
19                 associated with the performance of a Federal con-  
20                 tract.

21          “(e) ATTAINMENT OF CONTRACT GOALS.—All con-  
22          tract awards made under the program shall be counted  
23          toward the attainment of the goals specified in section  
24          15(g) of the Small Business Act.

25          “(f) REGULATIONS.—The Administrator shall—



1 “(1) issue proposed regulations to carry out  
2 this section not later than 180 days after the date  
3 of enactment of this Act; and

4 “(2) issue final regulations to carry out this  
5 section not later than 270 days after the date of en-  
6 actment of this Act.

7 “(g) REPORT TO CONGRESS.—Not later than April  
8 30, 2015, the Administrator shall transmit to the Con-  
9 gress a report on the performance of the program.

10 “(h) DEFINITIONS.—For purposes of this section, the  
11 following definitions shall apply:

12 “(1) PROGRAM.—The term ‘program’ means a  
13 program established pursuant to subsection (a).

14 “(2) EARLY STAGE SMALL BUSINESS CON-  
15 CERN.—The term ‘early stage small business con-  
16 cern’ means a small business concern that—

17 “(A) has not more than 15 employees; and

18 “(B) has average annual receipts that total  
19 not more than \$1,000,000, except if the con-  
20 cern is in an industry with an average annual  
21 revenue standard that is less than \$1,000,000,  
22 as defined by the North American Industry  
23 Classification System.”.

24 (b) REPEAL OF SIMILAR PROGRAM.—Section 304 of  
25 the Small Business Administration Reauthorization and

1 Amendments Act of 1994 (15 U.S.C. 644 note) is re-  
 2 pealed.

### 3 **PART X—OTHER MATTERS**

#### 4 **SEC. 1695. SURETY BONDS.**

5 (a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of  
 6 the Small Business Investment Act of 1958 (15 U.S.C.  
 7 694b(a)(1)) is amended—

8 (1) by inserting “(A)” after “(1)”;

9 (2) by striking “\$2,000,000” and inserting  
 10 “\$6,500,000, as adjusted for inflation in accordance  
 11 with section 1908 of title 41, United States Code,”;  
 12 and

13 (3) by adding at the end the following:

14 “(B) The Administrator may guarantee a surety  
 15 under subparagraph (A) for a total work order or contract  
 16 amount that does not exceed \$10,000,000, if a contracting  
 17 officer of a Federal agency certifies that such a guarantee  
 18 is necessary.”.

19 (b) DENIAL OF LIABILITY.—Section 411 of the Small  
 20 Business Investment Act of 1958 (15 U.S.C. 694b) is  
 21 amended—

22 (1) by striking subsection (e) and inserting the  
 23 following:

24 “(e) REIMBURSEMENT OF SURETY; CONDITIONS.—  
 25 Pursuant to any such guarantee or agreement, the Admin-

1 istration shall reimburse the surety, as provided in sub-  
2 section (c) of this section, except that the Administration  
3 shall be relieved of liability (in whole or in part within  
4 the discretion of the Administration) if—

5 “(1) the surety obtained such guarantee or  
6 agreement, or applied for such reimbursement, by  
7 fraud or material misrepresentation,

8 “(2) the total contract amount at the time of  
9 execution of the bond or bonds exceeds \$6,500,000,

10 “(3) the surety has breached a material term or  
11 condition of such guarantee agreement, or

12 “(4) the surety has substantially violated the  
13 regulations promulgated by the Administration pur-  
14 suant to subsection (d).”; and

15 (2) by adding at the end the following:

16 “(j) For bonds made or executed with the prior ap-  
17 proval of the Administration, the Administration shall not  
18 deny liability to a surety based upon material information  
19 that was provided as part of the guaranty application.”.

20 (c) SIZE STANDARDS.—Section 410 of the Small  
21 Business Investment Act of 1958 (15 U.S.C. 694a) is  
22 amended by adding at the end the following:

23 “(9) Notwithstanding any other provision of law or  
24 any rule, regulation, or order of the Administration, for  
25 purpose of sections 410, 411, and 412 the term ‘small

1 business concern' means a business concern that meets the  
2 size standard for the primary industry in which such busi-  
3 ness concern, and the affiliates of such business concern,  
4 is engaged, as determined by the Administrator in accord-  
5 ance with the North American Industry Classification Sys-  
6 tem.'".

7 **SEC. 1696. ASSESSMENT OF OUTREACH FOR SMALL BUSI-**  
8 **NESS CONCERNS OWNED AND CONTROLLED**  
9 **BY WOMEN AND MINORITIES REQUIRED BE-**  
10 **FORE CONVERSION OF CERTAIN FUNCTIONS**  
11 **TO CONTRACTOR PERFORMANCE.**

12 No Department of Defense function that is per-  
13 formed by Department of Defense civilian employees and  
14 is tied to a certain military base may be converted to per-  
15 formance by a contractor until the Secretary of Defense  
16 conducts an assessment to determine if the Department  
17 of Defense has carried out sufficient outreach programs  
18 to assist small business concerns owned and controlled by  
19 women (as such term is defined in section 8(d)(3)(D) of  
20 the Small Business Act) and small business concerns  
21 owned and controlled by socially and economically dis-  
22 advantaged individuals (as such term is defined in section  
23 8(d)(3)(C) of the Small Business Act) that are located in  
24 the geographic area near the military base.

1 **SEC. 1697. LIMITATION ON CONTRACTING.**

2 No agency may enter into a contract using proce-  
3 dures that do not give to small business concerns owned  
4 and controlled by veterans (as that term is defined in sec-  
5 tion 3(q)(3) of the Small Business Act (15 U.S.C.  
6 632(q)(3))) that are included in the database under section  
7 8127(f) of title 38, United States Code, any preference  
8 available with respect to such contract, except for a pref-  
9 erence given to small business concerns owned and con-  
10 trolled by service-disabled veterans (as that term defined  
11 in section 3(q)(2) of the Small Business Act (15 U.S.C.  
12 632(q)(2))).

13 **TITLE XVII—END TRAFFICKING**  
14 **IN GOVERNMENT CONTRACTING**

15 **SEC. 1701. SHORT TITLE.**

16 This title may be cited as the “End Trafficking in  
17 Government Contracting Act of 2012”.

18 **SEC. 1702. DEFINITIONS.**

19 In this title:

20 (1) EXECUTIVE AGENCY.—The term “executive  
21 agency” has the meaning given the term in section  
22 133 of title 41, United States Code.

23 (2) SUBCONTRACTOR.—The term “subcon-  
24 tractor” means a recipient of a contract at any tier  
25 under a grant, contract, or cooperative agreement.

1           (3) SUBGRANTEE.—The term “subgrantee”  
2       means a recipient of a grant at any tier under a  
3       grant or cooperative agreement.

4           (4) UNITED STATES.—The term “United  
5       States” has the meaning provided in section 103(12)  
6       of the Trafficking Victims Protection Act of 2000  
7       (22 U.S.C. 7102(12)).

8       **SEC. 1703. CONTRACTING REQUIREMENTS.**

9       Section 106(g) of the Trafficking Victims Protection  
10     Act of 2000 (22 U.S.C. 7104(g)) is amended by striking  
11     “if the grantee or any subgrantee,” and all that follows  
12     through the period at the end and inserting the following:  
13     “or take any of the other remedial actions authorized  
14     under section 1705(c) of the End Trafficking in Govern-  
15     ment Contracting Act of 2012, if the grantee or any sub-  
16     grantee, or the contractor or any subcontractor, engages  
17     in, or uses labor recruiters, brokers, or other agents who  
18     engage in, (i) severe forms of trafficking in persons, (ii)  
19     the procurement of a commercial sex act during the period  
20     of time that the grant, contract, or cooperative agreement  
21     is in effect, (iii) the use of forced labor in the performance  
22     of the grant, contract, or cooperative agreement, or (iv)  
23     acts that directly support or advance trafficking in per-  
24     sons, including the following acts:

1           “(1) Destroying, concealing, removing, or con-  
2       fiscating an employee’s immigration documents with-  
3       out the employee’s consent.

4           “(2) Failing to repatriate an employee upon the  
5       end of employment, unless—

6               “(A) exempted from the duty to repatriate  
7       the employee by the Federal department or  
8       agency providing or entering into the grant,  
9       contract, or cooperative agreement; or

10               “(B) the employee is a victim of human  
11       trafficking seeking victim services or legal re-  
12       dress in the country of employment or a witness  
13       in a human trafficking enforcement action.

14           “(3) Soliciting a person for the purpose of em-  
15       ployment, or offering employment, by means of ma-  
16       terially false or fraudulent pretenses, representa-  
17       tions, or promises regarding that employment.

18           “(4) Charging recruited employees exorbitant  
19       placement fees, such as fees equal to or greater than  
20       the employee’s monthly salary, or recruitment fees  
21       that violate the laws of the country from which an  
22       employee is recruited.

23           “(5) Providing inhumane living conditions.”.

1 **SEC. 1704. COMPLIANCE PLAN AND CERTIFICATION RE-**  
2 **QUIREMENT.**

3 (a) REQUIREMENT.—The head of an executive agen-  
4 cy may not provide or enter into a grant, contract, or coop-  
5 erative agreement valued at \$1,000,000 or more if per-  
6 formance will substantially be conducted overseas, unless  
7 a duly designated representative of the recipient of such  
8 grant, contract, or cooperative agreement certifies to the  
9 contracting or grant officer prior to receiving an award  
10 and on an annual basis thereafter, after having conducted  
11 due diligence, that—

12 (1) the recipient has implemented a plan to pre-  
13 vent the activities described in section 106(g) of the  
14 Trafficking Victims Protection Act of 2000 (22  
15 U.S.C. 7104(g)), as amended by section 1703, and  
16 is in compliance with that plan;

17 (2) the recipient has implemented procedures to  
18 prevent any activities described in such section  
19 106(g) and to monitor, detect, and terminate any  
20 subcontractor, subgrantee, or employee of the recipi-  
21 ent engaging in any activities described in such sec-  
22 tion; and

23 (3) to the best of the representative's knowl-  
24 edge, neither the recipient, nor any subcontractor or  
25 subgrantee of the recipient or any agent of the re-  
26 cipient or of such a subcontractor or subgrantee, is



1 engaged in any of the activities described in such  
2 section.

3 (b) LIMITATION.—Any plan or procedures imple-  
4 mented pursuant to subsection (a) shall be appropriate to  
5 the size and complexity of the grant, contract, or coopera-  
6 tive agreement and to the nature and scope of its activi-  
7 ties, including the number of non-United States citizens  
8 expected to be employed.

9 (c) DISCLOSURE.—The recipient shall provide a copy  
10 of the plan to the contracting or grant officer upon re-  
11 quest, and, as appropriate, shall post the useful and rel-  
12 evant contents of the plan or related materials on its  
13 website and at the workplace.

14 (d) PERFORMANCE SUBSTANTIALLY OVERSEAS.—  
15 For purposes of subsection (a), a grant, contract, or coop-  
16 erative agreement shall be considered to be performed sub-  
17 stantially overseas if the estimated value of the services  
18 required to be performed under the grant, contract, or co-  
19 operative agreement outside the United States exceeds  
20 \$500,000.

21 **SEC. 1705. MONITORING AND INVESTIGATION OF TRAF-**  
22 **FICKING IN PERSONS.**

23 (a) INVESTIGATION.—If the contracting or grant offi-  
24 cer of an executive agency for a grant, contract, or cooper-  
25 ative agreement receives credible evidence that a recipient

1 of the grant, contract, or cooperative agreement; any sub-  
2 grantee or subcontractor of the recipient; or any agent of  
3 the recipient or of such a subgrantee or subcontractor, has  
4 engaged in an activity described in section 106(g) of the  
5 Trafficking Victims Protection Act of 2000 (22 U.S.C.  
6 7104(g)), as amended by section 1703, including a report  
7 from a contracting officer representative, an inspector  
8 general, an auditor, an alleged victim or victim's rep-  
9 resentative, or any other credible source, the contracting  
10 or grant officer shall, before exercising any option to  
11 renew such grant, contract, or cooperative agreement, re-  
12 quest that the agency's Office of Inspector General imme-  
13 diately initiate an investigation of the allegation or allega-  
14 tions contained in the report. If the agency's Office of In-  
15 spector General is unable to conduct a timely investiga-  
16 tion, the suspension and debarment office or another in-  
17 vestigative unit of the agency shall conduct the investiga-  
18 tion.

19 (b) REPORT.—Upon completion of an investigation  
20 under subsection (a), the office or unit that conducted the  
21 investigation shall submit to the contracting or grant offi-  
22 cer and, if such investigation was not conducted by the  
23 agency's Office of Inspector General, to the agency's Of-  
24 fice of Inspector General, a report on the investigation,  
25 including conclusions about whether credible evidence ex-

1 ists that the recipient of a grant, contract, or cooperative  
2 agreement; any subcontractor or subgrantee of the recipi-  
3 ent; or any agent of the recipient or of such a subcon-  
4 tractor or subgrantee, engaged in any of the activities de-  
5 scribed in section 106(g) of the Trafficking Victims Pro-  
6 tection Act of 2000 (22 U.S.C. 7104(g)), as amended by  
7 section 1703.

8 (c) REMEDIAL ACTIONS.—

9 (1) IN GENERAL.—If a contracting or grant of-  
10 ficial determines that a recipient of a grant, con-  
11 tract, or cooperative agreement, or any subcon-  
12 tractor or subgrantee of the recipient, has engaged  
13 in any of the activities described in such section  
14 106(g), the contracting or grant officer shall con-  
15 sider taking one or more of the following remedial  
16 actions:

17 (A) Requiring the recipient to remove an  
18 employee from the performance of work under  
19 the grant, contract, or cooperative agreement.

20 (B) Requiring the recipient to terminate a  
21 subcontract or subgrant.

22 (C) Suspending payments under the grant,  
23 contract, or cooperative agreement.

24 (D) Withholding award fees, consistent  
25 with the award fee plan, for the performance

1 period in which the agency determined the con-  
2 tractor or subcontractor engaged in any of the  
3 activities described in such section 106(g).

4 (E) Declining to exercise available options  
5 under the contract.

6 (F) Terminating the contract for default  
7 or cause, in accordance with the termination  
8 clause for the contract.

9 (G) Referring the matter to the agency  
10 suspension and debarment official.

11 (H) Referring the matter to the Depart-  
12 ment of Justice for prosecution under any ap-  
13 plicable law.

14 (2) SAVINGS CLAUSE.—Nothing in this sub-  
15 section shall be construed as limiting the scope of  
16 applicable remedies available to the Federal Govern-  
17 ment.

18 (3) MITIGATING FACTOR.—Where applicable,  
19 the contracting or grant official may consider wheth-  
20 er the contractor or grantee had a plan in place  
21 under section 1704, and was in compliance with that  
22 plan at the time of the violation, as a mitigating fac-  
23 tor in determining which remedies, if any, should  
24 apply.

1 (d) INCLUSION OF REPORT CONCLUSIONS IN  
2 FAPIIS.—The contracting or grant officer shall ensure  
3 that relevant findings contained in the report under sub-  
4 section (b) are included in the Federal Awardee Perform-  
5 ance and Integrity Information System (FAPIIS). These  
6 findings shall be considered relevant past performance  
7 data for the purpose of awarding future contracts, grants,  
8 or cooperative agreements.

9 **SEC. 1706. NOTIFICATION TO INSPECTORS GENERAL AND**  
10 **COOPERATION WITH GOVERNMENT.**

11 The head of an executive agency making or awarding  
12 a grant, contract, or cooperative agreement shall require  
13 that the recipient of the grant, contract, or cooperative  
14 agreement—

15 (1) immediately inform the Inspector General of  
16 the executive agency of any information it receives  
17 from any source that alleges credible evidence that  
18 the recipient; any subcontractor or subgrantee of the  
19 recipient; or any agent of the recipient or of such a  
20 subcontractor or subgrantee, has engaged in conduct  
21 described in section 106(g) of the Trafficking in Vic-  
22 tims Protection Act of 2000 (22 U.S.C. 7104(g)), as  
23 amended by section 1703; and

1           (2) fully cooperate with any Federal agencies  
2       responsible for audits, investigations, or corrective  
3       actions relating to trafficking in persons.

4   **SEC. 1707. EXPANSION OF FRAUD IN FOREIGN LABOR CON-**  
5                   **TRACTING TO INCLUDE WORK OUTSIDE THE**  
6                   **UNITED STATES.**

7       Section 1351 of title 18, United States Code, is  
8   amended—

9           (1) by striking “whoever knowingly” and insert-  
10       ing “(a) WORK INSIDE THE UNITED STATES.—  
11       Whoever knowingly”; and

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

14       “(b) WORK OUTSIDE THE UNITED STATES.—Who-  
15       ever knowingly and with intent to defraud recruits, solici-  
16       its, or hires a person outside the United States or causes  
17       another person to recruit, solicit, or hire a person outside  
18       the United States, or attempts to do so, for purposes of  
19       work performed on a United States Government contract  
20       performed outside the United States, or on a United  
21       States military installation or mission or other property  
22       or premises owned or controlled by the United States Gov-  
23       ernment, by means of materially false or fraudulent pre-  
24       tenses, representations, or promises regarding that em-

1 ployment, shall be fined under this title or imprisoned for  
2 not more than 5 years, or both.”.

3 **SEC. 1708. IMPROVING DEPARTMENT OF DEFENSE AC-**  
4 **COUNTABILITY FOR REPORTING TRAF-**  
5 **FICKING IN PERSONS CLAIMS AND VIOLA-**  
6 **TIONS.**

7 Section 105(d)(7)(H) of the Trafficking Victims Pro-  
8 tection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amend-  
9 ed—

10 (1) in clause (iii), by inserting “and” at the end  
11 after the semicolon; and

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

14 “(iv) all trafficking in persons activities of contrac-  
15 tors reported to the Under Secretary of Defense for Acqui-  
16 sition, Technology, and Logistics;”.

17 **SEC. 1709. RULE OF CONSTRUCTION.**

18 Excluding section 1707, nothing in this title shall be  
19 construed to supersede, enlarge, or diminish the common  
20 law or statutory liabilities of any grantee, subgrantee, con-  
21 tractor, subcontractor, or other party covered by section  
22 106(g) of the Trafficking Victims Protection Act of 2000  
23 (22 U.S.C. 7104(g)), as amended by section 1703.

1 **DIVISION B—MILITARY CON-**  
2 **STRUCTION AUTHORIZA-**  
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-  
6 tion Authorization Act for Fiscal Year 2013”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
9 **LAW.**

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
11 YEARS.—Except as provided in subsection (b), all author-  
12 izations contained in titles XXI through XXVII and title  
13 XXIX for military construction projects, land acquisition,  
14 family housing projects and facilities, and contributions to  
15 the North Atlantic Treaty Organization Security Invest-  
16 ment Program (and authorizations of appropriations  
17 therefor) shall expire on the later of—

18 (1) October 1, 2015; or

19 (2) the date of the enactment of an Act author-  
20 izing funds for military construction for fiscal year  
21 2016.

22 (b) EXCEPTION.—Subsection (a) shall not apply to  
23 authorizations for military construction projects, land ac-  
24 quisition, family housing projects and facilities, and con-  
25 tributions to the North Atlantic Treaty Organization Se-



1 curity Investment Program (and authorizations of appro-  
 2 priations therefor), for which appropriated funds have  
 3 been obligated before the later of—

4 (1) October 1, 2015; or

5 (2) the date of the enactment of an Act author-  
 6 izing funds for fiscal year 2016 for military con-  
 7 struction projects, land acquisition, family housing  
 8 projects and facilities, or contributions to the North  
 9 Atlantic Treaty Organization Security Investment  
 10 Program.

11 **SEC. 2003. EFFECTIVE DATE.**

12 Titles XXI through XXVII and title XXIX shall take  
 13 effect on the later of—

14 (1) October 1, 2012; or

15 (2) the date of the enactment of this Act.

16 **TITLE XXI—ARMY MILITARY**  
 17 **CONSTRUCTION**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 19 **ACQUISITION PROJECTS.**

20 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 21 appropriated pursuant to the authorization of appropria-  
 22 tions in section 2103 and available for military construc-  
 23 tion projects inside the United States as specified in the  
 24 funding table in section 4601, the Secretary of the Army  
 25 may acquire real property and carry out military construc-

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

**Army: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Fort Wainwright .....	\$10,400,000
	Joint Base Elmendorf-Richardson .....	\$7,900,000
California .....	Concord .....	\$8,900,000
Colorado .....	Fort Carson .....	\$52,000,000
District of Columbia	Fort McNair .....	\$7,200,000
Georgia .....	Fort Benning .....	\$16,000,000
	Fort Gordon .....	\$23,300,000
	Fort Stewart .....	\$49,650,000
Hawaii .....	Pohakuloa Training Area .....	\$29,000,000
	Schofield Barracks .....	\$96,000,000
	Wheeler Army Air Field .....	\$85,000,000
Kansas .....	Fort Riley .....	\$12,200,000
Kentucky .....	Fort Campbell .....	\$81,800,000
	Fort Knox .....	\$6,000,000
Missouri .....	Fort Leonard Wood .....	\$123,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$47,000,000
	Picatinny Arsenal .....	\$10,200,000
New York .....	Fort Drum .....	\$95,000,000
	U.S. Military Academy .....	\$192,000,000
North Carolina .....	Fort Bragg .....	\$98,000,000
Oklahoma .....	Fort Sill .....	\$4,900,000
South Carolina .....	Fort Jackson .....	\$24,000,000
Texas .....	Corpus Christi .....	\$37,200,000
	Fort Bliss .....	\$7,200,000
	Fort Hood .....	\$51,200,000
Virginia .....	Joint Base San Antonio .....	\$21,000,000
	Arlington .....	\$84,000,000
	Fort Belvoir .....	\$94,000,000
Washington .....	Fort Lee .....	\$81,000,000
	Joint Base Lewis-McChord .....	\$164,000,000
	Yakima .....	\$5,100,000

(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

1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Italy .....	Camp Ederle .....	\$36,000,000
	Vicenza .....	\$32,000,000
Japan .....	Okinawa .....	\$78,000,000
	Sagami .....	\$18,000,000
Korea .....	Camp Humphreys .....	\$45,000,000
Kwajalein Atoll .....	Kwajalein Atoll .....	\$62,000,000

3 **SEC. 2102. FAMILY HOUSING.**

4       Using amounts appropriated pursuant to the author-  
 5 ization of appropriations in section 2103 and available for  
 6 military family housing functions as specified in the fund-  
 7 ing table in section 4601 the Secretary of the Army may  
 8 carry out architectural and engineering services and con-  
 9 struction design activities with respect to the construction  
 10 or improvement of family housing units in an amount not  
 11 to exceed \$4,641,000.

12 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

13       Funds are hereby authorized to be appropriated for  
 14 fiscal years beginning after September 30, 2012, for mili-  
 15 tary construction, land acquisition, and military family  
 16 housing functions of the Department of the Army as speci-  
 17 fied in the funding table in section 4601.

18 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 19 **CERTAIN FISCAL YEAR 2010 PROJECT.**

20       In the case of the authorization contained in the table  
 21 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 Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2009 Project Authorizations**

State	Installation or Location	Project	Amount
Alabama .....	Anniston Army Depot.	Lake Yard Interchange ....	\$1,400,000
New Jersey .....	Picatinny Arsenal ..	Ballistic Evaluation Facility Phase I .....	\$9,900,000

1 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 6 2627), authorizations set forth in the table in subsection  
 7 (b), as provided in section 2101 of that Act (123 Stat.  
 8 2628), shall remain in effect until October 1, 2013, or the  
 9 date of the enactment of an Act authorizing funds for mili-  
 10 tary construction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)  
 12 is as follows:

**Army: Extension of 2010 Project Authorizations**

State	Installation or Location	Project	Amount
Louisiana .....	Fort Polk .....	Land Purchases and Con- demnation .....	\$17,000,000
New Jersey .....	Picatinny Arse- nal .....	Ballistic Evaluation Facil- ity Phase 2 .....	\$10,200,000
Virginia .....	Fort Belvoir .....	Road and Access Control Point .....	\$9,500,000
Washington .....	Fort Lewis .....	Fort Lewis-McChord AFB Joint Access .....	\$9,000,000
Kuwait .....	Kuwait .....	APS Warehouses .....	\$82,000,000

13 **SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR**  
 14 **EXPENDITURE OF FUNDS FOR TOUR NOR-**  
 15 **MALIZATION.**

16 Section 2111 of the Military Construction Authoriza-  
 17 tion Act for Fiscal Year 2012 (division B of Public Law  
 18 112–81; 125 Stat. 1665) is amended in the matter pre-  
 19 ceding paragraph (1) by inserting after “under this Act”

1 the following: “or an Act authorizing funds for military  
2 construction for fiscal year 2013”.

### 3 **TITLE XXII—NAVY MILITARY** 4 **CONSTRUCTION**

#### 5 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 6 **ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts  
8 appropriated pursuant to the authorization of appropria-  
9 tions in section 2204(a) and available for military con-  
10 struction projects inside the United States as specified in  
11 the funding table in section 4601, the Secretary of the  
12 Navy may acquire real property and carry out military  
13 construction projects for the installations or locations in-  
14 side the United States, and in the amounts, set forth in  
15 the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$29,285,000
California .....	Camp Pendleton .....	\$88,110,000
	Coronado .....	\$78,541,000
	Miramar .....	\$27,897,000
	Point Mugu .....	\$12,790,000
	San Diego .....	\$71,188,000
	Seal Beach .....	\$30,594,000
	Twentynine Palms .....	\$47,270,000
Florida .....	Jacksonville .....	\$21,980,000
Hawaii .....	Kaneohe Bay .....	\$97,310,000
Mississippi .....	Meridian .....	\$10,926,000
New Jersey .....	Earle .....	\$33,498,000
North Carolina .....	Camp Lejeune .....	\$69,890,000
	Cherry Point Marine Corps Air Station .....	\$45,891,000
	New River .....	\$8,525,000
South Carolina .....	Beaufort .....	\$81,780,000
	Parris Island .....	\$10,135,000
Virginia .....	Dahlgren .....	\$28,228,000
	Oceana Naval Air Station .....	\$39,086,000
	Portsmouth .....	\$32,706,000
	Quantico .....	\$58,714,000
	Yorktown .....	\$48,823,000
Washington .....	Whidbey Island .....	\$6,272,000

(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**

Country	Installation or Location	Amount
Diego Garcia .....	Diego Garcia .....	\$1,691,000
Greece .....	Souda Bay .....	\$25,123,000
Japan .....	Iwakuni .....	\$13,138,000
.....	Okinawa .....	\$8,206,000
Romania .....	Deveselu .....	\$45,205,000
Spain .....	Rota .....	\$17,215,000
Worldwide (Unspecified) .....	Unspecified Worldwide Locations .....	\$34,048,000

**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.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2204(a) and  
6 available for military family housing functions, the Sec-  
7 retary of the Navy may improve existing military family  
8 housing units in an amount not to exceed \$97,655,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
11 are hereby authorized to be appropriated for fiscal years  
12 beginning after September 30, 2012, for military con-  
13 struction, land acquisition, and military family housing  
14 functions of the Department of the Navy, as specified in  
15 the funding table in section 4601.

16 (b) **LIMITATION.**—The Secretary of the Navy shall  
17 not enter into an award for a military construction project  
18 in Romania until after the date on which the Secretary  
19 submits a NATO prefinancing request for consideration  
20 of the military construction project.

21 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
22 **CERTAIN FISCAL YEAR 2012 PROJECT.**

23 In the case of the authorization contained in the table  
24 in section 2201(a) of the Military Construction Authoriza-  
25 tion Act for Fiscal Year 2012 (division B of Public Law  
26 112–81; 125 Stat. 1666), for Kitsap (Bangor) Wash-



ington, 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 appropriations authorized for the project.

**SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Navy: Extension of 2009 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Marine Corps Base, Camp Pendelton.	Operations Access Points, Red Beach ..	\$11,970,000
	Marine Corps Air Station, Miramar.	Emergency Response Station .....	\$6,530,000
District of Columbia.	Washington Navy Yard.	Child Development Center .....	\$9,340,000

1 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 6 2627), the authorization set forth in the table in sub-  
 7 section (b), as provided in section 2201 of that Act (123  
 8 Stat. 2632), shall remain in effect until October 1, 2013,  
 9 or the date of an Act authorizing funds for military con-  
 10 struction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)  
 12 is as follows:

**Navy: Extension of 2010 Project Authorization**

State/Country	Installation or Location	Project	Amount
California .....	Bridgeport .....	Mountain Warfare Training, Com- missary .....	\$6,830,000
Maine .....	Portsmouth Naval Shipyard.	Gate 2 Security Im- provements .....	\$7,090,000
Djibouti .....	Camp Lemonier .....	Security Fencing .....	\$8,109,000
		Ammo Supply Point ....	\$21,689,000
		Interior Paved Roads ..	\$7,275,000

13 **TITLE XXIII—AIR FORCE**  
 14 **MILITARY CONSTRUCTION**

15 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 16 **LAND ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts  
 18 appropriated pursuant to the authorization of appropria-  
 19 tions in section 2304 and available for military construc-  
 20 tion projects inside the United States as specified in the

1 funding table in section 4601, the Secretary of the Air  
 2 Force may acquire real property and carry out military  
 3 construction projects for the installations or locations in-  
 4 side the United States, and in the amounts, set forth in  
 5 the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Arkansas .....	Little Rock Air Force Base .....	\$30,178,000
Florida .....	Tyndall Air Force Base .....	\$14,750,000
Georgia .....	Fort Stewart .....	\$7,250,000
	Moody Air Force Base .....	\$8,500,000
New Mexico .....	Holloman Air Force Base .....	\$25,000,000
North Dakota .....	Minot Air Force Base .....	\$4,600,000
Texas .....	Joint Base San Antonio .....	\$18,000,000
Utah .....	Hill Air Force Base .....	\$13,530,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 7 appropriated pursuant to the authorization of appropria-  
 8 tions in section 2304 and available for military construc-  
 9 tion projects outside the United States as specified in the  
 10 funding table in section 4601, the Secretary of the Air  
 11 Force may acquire real property and carry out military  
 12 construction projects for the installations or locations out-  
 13 side the United States, and in the amounts, set forth in  
 14 the following table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Greenland .....	Thule Air Base .....	\$63,500,000
Guam .....	Andersen Air Force Base .....	\$128,000,000
Italy .....	Aviano Air Base .....	\$9,400,000
Worldwide, Unspecified .....	Unspecified Worldwide Loca- tions .....	\$34,657,000

1 **SEC. 2302. FAMILY HOUSING.**

2       Using amounts appropriated pursuant to the author-  
3 ization of appropriations in section 2304 and available for  
4 military family housing functions as specified in the fund-  
5 ing table in section 4601, the Secretary of the Air Force  
6 may carry out architectural and engineering services and  
7 construction design activities with respect to the construc-  
8 tion or improvement of family housing units in an amount  
9 not to exceed \$4,253,000.

10 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
11 **UNITS.**

12       Subject to section 2825 of title 10, United States  
13 Code, and using amounts appropriated pursuant to the  
14 authorization of appropriations in section 2304 and avail-  
15 able for military family housing functions as specified in  
16 the funding table in section 4601, the Secretary of the  
17 Air Force may improve existing military family housing  
18 units in an amount not to exceed \$79,571,000.

19 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
20 **FORCE.**

21       Funds are hereby authorized to be appropriated for  
22 fiscal years beginning after September 30, 2012, for mili-  
23 tary construction, land acquisition, and military family  
24 housing functions of the Department of the Air Force, as  
25 specified in the funding table in section 4601.

1 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 6 2627), authorizations set forth in the table in subsection  
 7 (b), as provided in section 2301 of that Act (123 Stat.  
 8 2636), shall remain in effect until October 1, 2013, or the  
 9 date of an Act authorizing funds for military construction  
 10 for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)  
 12 is as follows:

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

State	Installation or Location	Project	Amount
Missouri .....	Whiteman Air Force Base .....	Land Acquisition North & South Boundary .....	\$5,500,000
Montana .....	Malmstrom Air Force Base .....	Weapons Storage Area (WSA), Phase 2 .....	\$10,600,000

13 **TITLE XXIV—DEFENSE AGEN-**  
 14 **CIES MILITARY CONSTRU-**  
 15 **TION**

16 **Subtitle A—Defense Agency**  
 17 **Authorizations**

18 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 19 **TION AND LAND ACQUISITION PROJECTS.**

20 (a) INSIDE THE UNITED STATES.—Using amounts  
 21 appropriated pursuant to the authorization of appropria-

tions 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**

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$1,300,000
California .....	Coronado .....	\$55,259,000
	DEF Fuel Support Point-San Diego .....	\$91,563,000
	Edwards Air Force Base .....	\$27,500,000
	Twentynine Palms .....	\$27,400,000
Colorado .....	Buckley Air Force Base .....	\$30,000,000
	Fort Carson .....	\$56,673,000
	Pikes Peak .....	\$3,600,000
CONUS Classified .....	Classified Location .....	\$59,577,000
Delaware .....	Dover Air Force Base .....	\$2,000,000
Florida .....	Eglin Air Force Base .....	\$41,965,000
	Hurlburt Field .....	\$16,000,000
	MacDill Air Force Base .....	\$34,409,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$24,289,000
Illinois .....	Great Lakes .....	\$28,700,000
	Scott Air Force Base .....	\$86,711,000
Indiana .....	Grisson Army Reserve Base .....	\$26,800,000
Kentucky .....	Fort Campbell .....	\$71,639,000
Louisiana .....	Barksdale Air Force Base .....	\$11,700,000
Maryland .....	Annapolis .....	\$66,500,000
	Bethesda Naval Hospital .....	\$69,200,000
	Fort Meade .....	\$128,600,000
Missouri .....	Fort Leonard Wood .....	\$18,100,000
New Mexico .....	Cannon Air Force Base .....	\$93,085,000
New York .....	Fort Drum .....	\$43,200,000
North Carolina .....	Camp Lejeune .....	\$80,064,000
	Fort Bragg .....	\$100,422,000
	Seymour Johnson Air Force Base .....	\$55,450,000
Pennsylvania .....	DEF Distribution Depot New Cumberland .....	\$17,400,000
South Carolina .....	Shaw Air Force Base .....	\$57,200,000
Texas .....	Red River Army Depot .....	\$16,715,000
Virginia .....	Dam Neck .....	\$11,000,000
	Joint Expeditionary Base Little Creek-Fort Story .....	\$11,132,000
	Norfolk .....	\$8,500,000
Washington .....	Fort Lewis .....	\$50,520,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropria-

tions in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Country	Installation or Location	Amount
Belgium .....	Brussels .....	\$26,969,000
Germany .....	Stuttgart-Patch Barracks .....	\$2,413,000
	Vogelweh .....	\$61,415,000
	Weisbaden .....	\$52,178,000
Guam .....	Andersen Air Force Base .....	\$67,500,000
Guantanamo Bay, Cuba .....	Guantanamo Bay .....	\$40,200,000
Japan .....	Camp Zama .....	\$13,273,000
	Kadena Air Base .....	\$143,545,000
	Sasebo .....	\$35,733,000
	Zukeran .....	\$79,036,000
Korea .....	Kunsan Air Base .....	\$13,000,000
	Osan Air Base .....	\$77,292,000
Romania .....	Deveselu .....	\$157,900,000
United Kingdom .....	Menwith Hill Station .....	\$50,283,000
	Royal Air Force Feltwell .....	\$30,811,000
	Royal Air Force Mildenhall .....	\$6,490,000

**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

- 1 or locations inside the United States, and in the amounts,  
 2 set forth in the following table:

**Energy Conservation Projects: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Clear .....	\$15,337,000
California .....	Fort Hunter Liggett .....	\$9,600,000
	Parks RFTA .....	\$9,256,000
Colorado .....	Aerospace Data Facility .....	\$3,310,000
	Fort Carson .....	\$4,000,000
Hawaii .....	Joint Base Pearl Harbor Hickam	\$6,610,000
Missouri .....	Whiteman .....	\$6,000,000
North Carolina .....	Fort Bragg .....	\$2,700,000
	MCB Camp Lejeune .....	\$5,701,000
New Jersey .....	Sea Girt .....	\$3,000,000
Pennsylvania .....	NSA Mechanicsburg .....	\$19,926,000
	Susquehanna .....	\$2,550,000
	Tobyhanna Army Depot .....	\$3,950,000
Tennessee .....	Arnold .....	\$3,606,000
Texas .....	Fort Bliss .....	\$5,700,000
	Fort Bliss .....	\$2,600,000
	Laughlin .....	\$4,800,000
Virginia .....	MCB Quantico .....	\$7,943,000
	Pentagon Reservation .....	\$2,360,000
	Pentagon Reservation .....	\$2,120,000
Various Locations .....	Various Locations .....	\$12,886,000

- 3 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2403 and available for energy conservation  
 6 projects outside the United States as specified in the fund-  
 7 ing table in section 4601, the Secretary of Defense may  
 8 carry out energy conservation projects under chapter 173  
 9 of title 10, United States Code, for the installations or  
 10 locations outside the United States, and in the amounts,  
 11 set forth in the following table:

**Energy Conservation Projects: Outside the United States**

Country	Installation or Location	Amount
Italy .....	Naval Air Station Sigonella .....	\$6,121,000
Spain .....	Naval Station Rota .....	\$2,671,000
Various Locations .....	Various Locations .....	\$7,253,000



1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
2 **FENSE AGENCIES.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
4 are hereby authorized to be appropriated for fiscal years  
5 beginning after September 30, 2012, for military con-  
6 struction, land acquisition, and military family housing  
7 functions of the Department of Defense (other than the  
8 military departments), as specified in the funding table  
9 in section 4601.

10 (b) LIMITATION.—The Secretary of Defense shall not  
11 enter into an award for a military construction project in  
12 Romania until after the date on which the Secretary sub-  
13 mits a NATO prefinancing request for consideration of the  
14 military construction project.

15 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**  
16 **CERTAIN FISCAL YEAR 2012 PROJECTS.**

17 (a) MARYLAND.—The table in section 2401(a) of the  
18 Military Construction Authorization Act for Fiscal Year  
19 2012 (division B of Public Law 112–81; 125 Stat. 1672),  
20 is amended in the item relating to Fort Meade, Maryland,  
21 by striking “\$29,640,000” in the amount column and in-  
22 serting “\$792,200,000”.

23 (b) GERMANY.—The table in section 2401(b) of the  
24 Military Construction Authorization Act for Fiscal Year  
25 2012 (division B of Public Law 112–81; 125 Stat. 1673),  
26 is amended in the item relating to Rhine Ordnance Bar-

1 racks, Germany, by striking “\$750,000,000” in the  
 2 amount column and inserting “\$850,000,000”.

3 **SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 4 **FISCAL YEAR 2010 PROJECT.**

5 (a) EXTENSION.—Notwithstanding section 2002 of  
 6 the Military Construction Authorization Act for Fiscal  
 7 Year 2010 (division B of Public Law 111–84; 123 Stat.  
 8 2627), the authorization set forth in the table in sub-  
 9 section (b), as provided in section 2401(a) of that Act  
 10 (123 Stat. 2640), shall remain in effect until October 1,  
 11 2013, or the date of the enactment of an Act authorizing  
 12 funds for military construction for fiscal year 2014, which-  
 13 ever is later.

14 (b) TABLE.—The table referred to in subsection (a)  
 15 is as follows:

**Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Virginia .....	Pentagon Reservation	Pentagon electrical upgrade .....	\$19,272,000

16 **Subtitle B—Chemical**  
 17 **Demilitarization Authorizations**

18 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
 19 **ICAL DEMILITARIZATION CONSTRUCTION,**  
 20 **DEFENSE-WIDE.**

21 Funds are hereby authorized to be appropriated for  
 22 fiscal years beginning after September 30, 2012, for mili-

1 tary construction and land acquisition for chemical demili-  
2 tarization as specified in the funding table in section 4601.

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

5 (a) MODIFICATIONS.—The table in section 2401(a)  
6 of the Military Construction Authorization Act for Fiscal  
7 Year 1997 (division B of Public Law 104–201; 110 Stat.  
8 2775), as amended by section 2406 of the Military Con-  
9 struction Authorization Act for Fiscal Year 2000 (division  
10 B of Public Law 106–65; 113 Stat. 839), section 2407  
11 of the Military Construction Authorization Act for Fiscal  
12 Year 2003 (division B of Public Law 107–314; 116 Stat.  
13 2699), and section 2413 of the Military Construction Au-  
14 thorization Act for Fiscal Year 2009 (division B of Public  
15 Law 110–417; 122 Stat. 4697), is further amended—

16 (1) under the agency heading relating to Chem-  
17 ical Demilitarization Program, in the item relating  
18 to Pueblo Army Depot, Colorado, by striking  
19 “\$484,000,000” in the amount column and inserting  
20 “\$520,000,000”; and

21 (2) by striking the amount identified as the  
22 total in the amount column and inserting  
23 “\$866,454,000”.

24 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)  
25 of the Military Construction Authorization Act for Fiscal

1 Year 1997 (110 Stat. 2779), as so amended, is further  
2 amended by striking “\$484,000,000” and inserting  
3 “\$520,000,000”.

4 **TITLE XXV—NORTH ATLANTIC**  
5 **TREATY ORGANIZATION SE-**  
6 **CURITY INVESTMENT PRO-**  
7 **GRAM**

8 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
9 **ACQUISITION PROJECTS.**

10 The Secretary of Defense may make contributions for  
11 the North Atlantic Treaty Organization Security Invest-  
12 ment Program as provided in section 2806 of title 10,  
13 United States Code, in an amount not to exceed the sum  
14 of the amount authorized to be appropriated for this pur-  
15 pose in section 2502 and the amount collected from the  
16 North Atlantic Treaty Organization as a result of con-  
17 struction previously financed by the United States.

18 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

19 Funds are hereby authorized to be appropriated for  
20 fiscal years beginning after September 30, 2012, for con-  
21 tributions by the Secretary of Defense under section 2806  
22 of title 10, United States Code, for the share of the United  
23 States of the cost of projects for the North Atlantic Treaty  
24 Organization Security Investment Program authorized by

1 section 2501 as specified in the funding table in section  
2 4601.

3 **TITLE XXVI—GUARD AND**  
4 **RESERVE FORCES FACILITIES**  
5 **Subtitle A—Project Authorizations**  
6 **and Authorization of Appropria-**  
7 **tions**

8 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
9 **STRUCTION AND LAND ACQUISITION**  
10 **PROJECTS.**

11 (a) INSIDE THE UNITED STATES.—Using amounts  
12 appropriated pursuant to the authorization of appropria-  
13 tions in section 2606 and available for the National Guard  
14 and Reserve as specified in the funding table in section  
15 4601, the Secretary of the Army may acquire real prop-  
16 erty and carry out military construction projects for the  
17 Army National Guard locations inside the United States,  
18 and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

State	Location	Amount
Alabama .....	Fort McClellan .....	\$5,400,000
Arkansas .....	Searcy .....	\$6,800,000
California .....	Fort Irwin .....	\$25,000,000
Connecticut .....	Camp Hartell .....	\$32,000,000
Delaware .....	Bethany Beach .....	\$5,500,000
Florida .....	Camp Blanding .....	\$9,000,000
	Miramar .....	\$20,000,000
Hawaii .....	Kapolei .....	\$28,000,000
Idaho .....	Orchard Training Area .....	\$40,000,000
Indiana .....	South Bend .....	\$21,000,000
	Terra Haute .....	\$9,000,000
Iowa .....	Camp Dodge .....	\$3,000,000
Kansas .....	Topeka .....	\$9,500,000
Kentucky .....	Frankfort .....	\$32,000,000
Massachusetts .....	Camp Edwards .....	\$27,200,000
Michigan .....	Camp Grayling .....	\$17,000,000

**Army National Guard: Inside the United States—Continued**

State	Location	Amount
Minnesota .....	Camp Ripley .....	\$17,000,000
	St. Paul .....	\$17,000,000
Missouri .....	Fort Leonard Wood .....	\$18,000,000
	Kansas City .....	\$1,900,000
	Monett .....	\$820,000
	Perryville .....	\$700,000
Montana .....	Miles City .....	\$11,000,000
New Jersey .....	Sea Girt .....	\$34,000,000
New York .....	Stomville .....	\$24,000,000
Ohio .....	Chilleothe .....	\$3,100,000
	Delaware .....	\$12,000,000
Oklahoma .....	Camp Gruber .....	\$25,000,000
Utah .....	Camp Williams .....	\$36,000,000
Vermont .....	North Hyde Park .....	\$4,397,000
Washington .....	Fort Lewis .....	\$35,000,000
West Virginia .....	Logan .....	\$14,200,000
Wisconsin .....	Wausau .....	\$10,000,000

(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:

**Army National Guard: Outside the United States**

Country	Location	Amount
Guam .....	Barrigada .....	\$8,500,000
Puerto Rico .....	Camp Santiago .....	\$3,800,000
	Ceiba .....	\$2,200,000
	Guaynabo .....	\$15,000,000
	Gurabo .....	\$14,700,000

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION  
AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the fund-

ing table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Army Reserve**

State	Location	Amount
California .....	Fort Hunter Liggett .....	\$78,300,000
	Tustin .....	\$27,000,000
Illinois .....	Fort Sheridan .....	\$28,000,000
Maryland .....	Aberdeen Proving Ground .....	\$21,000,000
	Baltimore .....	\$10,000,000
Massachusetts .....	Devens Reserve Forces Training Area	\$8,500,000
Nevada .....	Las Vegas .....	\$21,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst ....	\$7,400,000
Pennsylvania .....	Conneant Lake .....	\$4,800,000
Washington .....	Joint Base Lewis-McChord .....	\$40,000,000
Wisconsin .....	Fort McCoy .....	\$47,800,000

**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**

State	Location	Amount
Arizona .....	Yuma .....	\$5,379,000
Iowa .....	Fort Des Moines .....	\$19,162,000
Louisiana .....	New Orleans .....	\$7,187,000
New York .....	Brooklyn .....	\$4,430,000

**Navy Reserve and Marine Corps Reserve—Continued**

<b>State</b>	<b>Location</b>	<b>Amount</b>
Texas .....	Fort Worth .....	\$11,256,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**  
2 **TION AND LAND ACQUISITION PROJECTS.**

3       Using amounts appropriated pursuant to the author-  
4 ization of appropriations in section 2606 and available for  
5 the National Guard and Reserve as specified in the fund-  
6 ing table in section 4601, the Secretary of the Air Force  
7 may acquire real property and carry out military construc-  
8 tion projects for the Air National Guard locations inside  
9 the United States, and in the amounts, set forth in the  
10 following table:

**Air National Guard**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	Fresno Yosemite International Airport Air National Guard .....	\$11,000,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$6,500,000
New Mexico .....	Kirtland Air Force Base .....	\$8,500,000
Tennessee .....	McGee-Tyson Airport .....	\$18,000,000
Wyoming .....	Cheyenne Municipal Airport .....	\$6,486,000

11 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**  
12 **TION AND LAND ACQUISITION PROJECTS.**

13       Using amounts appropriated pursuant to the author-  
14 ization of appropriations in section 2606 and available for  
15 the National Guard and Reserve as specified in the fund-  
16 ing table in section 4601, the Secretary of the Air Force  
17 may acquire real property and carry out military construc-  
18 tion projects for the Air Force Reserve locations inside



1 the United States, and in the amounts, set forth in the  
 2 following table:

**Air Force Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	March Air Reserve Base .....	\$16,900,000
New York .....	Niagara Falls International Airport ...	\$6,100,000

3 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**  
 4 **TIONAL GUARD AND RESERVE.**

5 Funds are hereby authorized to be appropriated for  
 6 fiscal years beginning after September 30, 2012, for the  
 7 costs of acquisition, architectural and engineering services,  
 8 and construction of facilities for the Guard and Reserve  
 9 Forces, and for contributions therefor, under chapter  
 10 1803 of title 10, United States Code (including the cost  
 11 of acquisition of land for those facilities), as specified in  
 12 the funding table in section 4601.

13 **Subtitle B—Other Matters**

14 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**  
 15 **CERTAIN FISCAL YEAR 2010 PROJECTS.**

16 (a) AUTHORITY TO CARRY OUT ARMY NATIONAL  
 17 GUARD READINESS CENTER PROJECT, NORTH LAS  
 18 VEGAS, NEVADA.—In the case of the authorization con-  
 19 tained in the table in section 2601 of the Military Con-  
 20 struction Authorization Act for Fiscal Year 2010 (division  
 21 B of Public Law 111–84; 123 Stat. 2648) for North Las  
 22 Vegas, Nevada, for construction of a Readiness Center,

1 the Secretary of the Army may construct up to 68,593  
2 square feet of readiness center, 10,000 square feet of  
3 unheated equipment storage area, and 25,000 square feet  
4 of unheated vehicle storage, consistent with the Army's  
5 construction guidelines for readiness centers.

6 (b) AUTHORITY TO CARRY OUT ARMY RESERVE  
7 CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case  
8 of the authorization contained in the table in section 2602  
9 of the Military Construction Authorization Act for Fiscal  
10 Year 2010 (division B of Public Law 111–84; 123 Stat.  
11 2649) for Camp Pendleton, California, for construction of  
12 an Army Reserve Center, the Secretary of the Army may  
13 instead construct an Army Reserve Center in the vicinity  
14 of the Marine Corps Air Station, Miramar, California.

15 (c) AUTHORITY TO CARRY OUT ARMY RESERVE CEN-  
16 TER PROJECT, BRIDGEPORT, CONNECTICUT.—In the case  
17 of the authorization contained in the table in section 2602  
18 of the Military Construction Authorization Act for Fiscal  
19 Year 2010 (division B of Public Law 111–84; 123 Stat.  
20 2649) for Bridgeport, Connecticut, for construction of an  
21 Army Reserve Center/Land, the Secretary of the Army  
22 may instead construct an Army Reserve Center and ac-  
23 quire land in the vicinity of Bridgeport, Connecticut.

1 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2011 PROJECTS.**

3 (a) AUTHORITY TO CARRY OUT ARMY RESERVE  
4 CENTER PROJECT, FORT STORY, VIRGINIA.—In the case  
5 of the authorization contained in the table in section 2602  
6 of the Military Construction Authorization Act for Fiscal  
7 Year 2011 (division B of Public Law 111–383; 124 Stat.  
8 4453) for Fort Story, Virginia, for construction of an  
9 Army Reserve Center, the Secretary of the Army may in-  
10 stead construct an Army Reserve Center in the vicinity  
11 of Fort Story, Virginia.

12 (b) AUTHORITY TO CARRY OUT ARMY NATIONAL  
13 GUARD PROJECT, FORT CHAFFEE, ARKANSAS.—In the  
14 case of the authorization contained in the table in section  
15 2601 of the Military Construction Authorization Act for  
16 Fiscal Year 2011 (division B of Public Law 111–383; 124  
17 Stat. 4451) for Fort Chaffee, Arkansas, for construction  
18 of a Live Fire Shoot House, the Secretary of the Army  
19 may construct up to 5,869 square feet of Live Fire Shoot  
20 House.

21 (c) AUTHORITY TO CARRY OUT ARMY NATIONAL  
22 GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.—In  
23 the case of the authorization contained in the table in sec-  
24 tion 2601 of the Military Construction Authorization Act  
25 for Fiscal Year 2011 (division B of Public Law 111–383;  
26 124 Stat. 4451) for Windsor Locks, Connecticut, for con-

1 struction of a Readiness Center, the Secretary of the Army  
2 may construct up to 119,510 square feet of a Readiness  
3 Center.

4 (d) AUTHORITY TO CARRY OUT ARMY NATIONAL  
5 GUARD PROJECT, KALAELOA, HAWAII.—In the case of  
6 the authorization contained in the table in section 2601  
7 of the Military Construction Authorization Act for Fiscal  
8 Year 2011 (division B of Public Law 111–383; 124 Stat.  
9 4451) for Kalealoe, Hawaii, for construction of a Com-  
10 bined Support Maintenance Shop, the Secretary of the  
11 Army may construct up to 137,548 square feet of a Com-  
12 bined Support Maintenance Shop.

13 (e) AUTHORITY TO CARRY OUT ARMY NATIONAL  
14 GUARD PROJECT, WICHITA, KANSAS.—In the case of the  
15 authorization contained in the table in section 2601 of the  
16 Military Construction Authorization Act for Fiscal Year  
17 2011 (division B of Public Law 111–383; 124 Stat. 4451)  
18 for Wichita, Kansas, for construction of a Field Mainte-  
19 nance Shop, the Secretary of the Army may construct up  
20 to 62,102 square feet of Field Maintenance Shop.

21 (f) AUTHORITY TO CARRY OUT ARMY NATIONAL  
22 GUARD PROJECT, MINDEN, LOUISIANA.—In the case of  
23 the authorization contained in the table in section 2601  
24 of the Military Construction Authorization Act for Fiscal  
25 Year 2011 (division B of Public Law 111–383; 124 Stat.

1 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.

4 (g) AUTHORITY TO CARRY OUT ARMY NATIONAL  
5 GUARD PROJECT, SAINT INIGOES, MARYLAND.—In the  
6 case of the authorization contained in the table in section  
7 2601 of the Military Construction Authorization Act for  
8 Fiscal Year 2011 (division B of Public Law 111–383; 124  
9 Stat. 4451) for Saint Inigoes, Maryland, for construction  
10 of a Tactical Unmanned Aircraft System Facility, the Secretary of the Army may construct up to 10,298 square  
11 feet of a Tactical Unmanned Aircraft System Facility.

13 (h) AUTHORITY TO CARRY OUT ARMY NATIONAL  
14 GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.—In  
15 the case of the authorization contained in the table in section  
16 2601 of the Military Construction Authorization Act  
17 for Fiscal Year 2011 (division B of Public Law 111–383;  
18 124 Stat. 4451) for Camp Grafton, North Dakota, for  
19 construction of a Readiness Center, the Secretary of the  
20 Army may construct up to 68,671 square feet of a Readiness Center.

22 (i) AUTHORITY TO CARRY OUT ARMY NATIONAL  
23 GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.—In the  
24 case of the authorization contained in the table in section  
25 2601 of the Military Construction Authorization Act for

1 Fiscal Year 2011 (division B of Public Law 111–383; 124  
 2 Stat. 4451) for Watertown, South Dakota, for construc-  
 3 tion of a Readiness Center, the Secretary of the Army may  
 4 construct up to 97,865 square feet of a Readiness Center.

5 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 6 **FISCAL YEAR 2009 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of  
 8 the Military Construction Authorization Act for Fiscal  
 9 Year 2009 (division B of Public Law 110–417; 122 Stat.  
 10 4658), the authorization set forth in the table in sub-  
 11 section (b), as provided in section 2604 of that Act (122  
 12 Stat. 4706), shall remain in effect until October 1, 2013,  
 13 or the date of the enactment of an Act authorizing funds  
 14 for military construction for fiscal year 2014, whichever  
 15 is later.

16 (b) TABLE.—The table referred to in subsection (a)  
 17 is as follows:

**Air National Guard: Extension of 2009 Project Authorization**

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi Airport.	Relocate Munitions Complex .....	\$3,400,000

18 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 19 **FISCAL YEAR 2010 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of  
 21 the Military Construction Authorization Act for Fiscal  
 22 Year 2010 (division B of Public Law 111–84; 123 Stat.

2627), the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

**Army Reserve: Extension of 2010 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Camp Pendleton	Army Reserve Center .....	\$19,500,000
Connecticut .....	Bridgeport .....	Army Reserve Center/Land ...	\$18,500,000

**Air National Guard: Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi Airport .....	Relocate Base Entrance .....	\$6,500,000

## **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

1 realignment and closure activities, including real property  
2 acquisition and military construction projects, as author-  
3 ized by the Defense Base Closure and Realignment Act  
4 of 1990 (part A of title XXIX of Public Law 101–510;  
5 10 U.S.C. 2687 note) and funded through the Department  
6 of Defense Base Closure Account 1990 established by sec-  
7 tion 2906 of such Act as specified in the funding table  
8 in section 4601.

9 **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR**  
10 **BASE REALIGNMENT AND CLOSURE ACTIVI-**  
11 **TIES FUNDED THROUGH DEPARTMENT OF**  
12 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal years beginning after September 30, 2012, for base  
15 realignment and closure activities, including real property  
16 acquisition and military construction projects, as author-  
17 ized by the Defense Base Closure and Realignment Act  
18 of 1990 (part A of title XXIX of Public Law 101–510;  
19 10 U.S.C. 2687 note) and funded through the Department  
20 of Defense Base Closure Account 2005 established by sec-  
21 tion 2906A of such Act as specified in the funding table  
22 in section 4601.



## Subtitle B—Other Matters

### SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS AND AUTHORIZED USES OF BASE CLOSURE ACCOUNT FUNDS.

(a) ESTABLISHMENT OF SINGLE DEPARTMENT OF  
DEFENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—  
The Defense Base Closure and Realignment Act of 1990  
(part A of title XXIX of Public Law 101–510; 10 U.S.C.  
2687 note) is amended by striking sections 2906 and  
2906A and inserting the following new section 2906:

#### “SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC- COUNT.

“(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 pursu-  
ant to section \_\_\_\_ (b) of the National Defense Au-  
thorization Act for Fiscal Year 2013.

“(3) Funds that the Secretary may, subject to  
approval in an appropriation Act, transfer to the Ac-

1 count from funds appropriated to the Department of  
2 Defense for any purpose, except that funds may be  
3 transferred under the authority of this paragraph  
4 only after the date on which the Secretary transmits  
5 written notice of, and justification for, such transfer  
6 to the congressional defense committees.

7 “(4) Proceeds received from the lease, transfer,  
8 or disposal of any property at a military installation  
9 closed or realigned under this part or the 1988  
10 BRAC law.

11 “(c) USE OF ACCOUNT.—

12 “(1) AUTHORIZED PURPOSES.—The Secretary  
13 may use the funds in the Account only for the fol-  
14 lowing purposes:

15 “(A) To carry out the Defense Environ-  
16 mental Restoration Program under section  
17 2701 of title 10, United States Code, and other  
18 environmental restoration and mitigation activi-  
19 ties at military installations closed or realigned  
20 under this part or the 1988 BRAC law.

21 “(B) To cover property management, dis-  
22 posal, and caretaker costs incurred at military  
23 installations closed or realigned under this part  
24 or the 1988 BRAC law.

1           “(C) To cover costs associated with super-  
2 vision, inspection, overhead, engineering, and  
3 design of military construction projects under-  
4 taken under this part or the 1988 BRAC law  
5 before September 30, 2013, and subsequent  
6 claims, if any, related to such activities.

7           “(D) To record, adjust, and liquidate obli-  
8 gations properly chargeable to the following ac-  
9 counts:

10           “(i) The Department of Defense Base  
11 Closure Account 2005 established by sec-  
12 tion 2906A of this part, as in effect on  
13 September 30, 2013.

14           “(ii) The Department of Defense Base  
15 Closure Account 1990 established by this  
16 section, as in effect on September 30,  
17 2013.

18           “(iii) The Department of Defense  
19 Base Closure Account established by sec-  
20 tion 207 of the 1988 BRAC law, as in ef-  
21 fect on September 30, 2013.

22           “(2) SOLE SOURCE OF FUNDS.—The Account  
23 shall be the sole source of Federal funds for the ac-  
24 tivities specified in paragraph (1) at a military in-

1       stallation closed or realigned under this part or the  
2       1988 BRAC law.

3               “(3) PROHIBITION ON USE OF ACCOUNT FOR  
4       NEW MILITARY CONSTRUCTION.—Except as provided  
5       in paragraph (1), funds in the Account may not be  
6       used, directly or by transfer to another appropria-  
7       tions account, to carry out a military construction  
8       project, including a minor military construction  
9       project, under section 2905(a) or any other provision  
10      of law at a military installation closed or realigned  
11      under this part or the 1988 BRAC law.

12       “(d) DISPOSAL OR TRANSFER OF COMMISSARY  
13      STORES AND PROPERTY PURCHASED WITH NON-  
14      APPROPRIATED FUNDS.—

15              “(1) DEPOSIT OF PROCEEDS IN RESERVE AC-  
16      COUNT.—If any real property or facility acquired,  
17      constructed, or improved (in whole or in part) with  
18      commissary store funds or nonappropriated funds is  
19      transferred or disposed of in connection with the clo-  
20      sure or realignment of a military installation under  
21      this part, a portion of the proceeds of the transfer  
22      or other disposal of property on that installation  
23      shall be deposited in the reserve account established  
24      under section 204(b)(7)(C) of the 1988 BRAC law.

1           “(2) The amount so deposited under paragraph  
2           (1) shall be equal to the depreciated value of the in-  
3           vestment made with such funds in the acquisition,  
4           construction, or improvement of that particular real  
5           property or facility. The depreciated value of the in-  
6           vestment shall be computed in accordance with regu-  
7           lations prescribed by the Secretary of Defense.

8           “(3) USE OF RESERVE FUNDS.—Subject to the  
9           limitation contained in section 204(b)(7)(C)(iii) of  
10          the 1988 BRAC law, amounts in the reserve account  
11          are hereby made available to the Secretary, without  
12          appropriation and until expended, for the purpose of  
13          acquiring, constructing, and improving—

14                 “(A) commissary stores; and

15                 “(B) real property and facilities for non-  
16          appropriated fund instrumentalities.

17          “(e) ANNUAL REPORTS.—

18                 “(1) ANNUAL ACCOUNTING.—No later than 60  
19          days after the end of each fiscal year in which the  
20          Secretary carries out activities under this part, the  
21          Secretary shall transmit a report to the congres-  
22          sional defense committees containing an accounting  
23          of—

1           “(A) the amount and nature of credits to,  
2           and expenditures from, the Account during  
3           such fiscal year; and

4           “(B) the amount and nature of anticipated  
5           deposits to be made into, and the anticipated  
6           expenditures to be made from, the Account dur-  
7           ing the first fiscal year commencing after the  
8           submission of the report.

9           “(2) SPECIFIC ELEMENTS OF REPORT.—The  
10          report for a fiscal year shall include the following:

11           “(A) The obligations and expenditures  
12           from the Account during the fiscal year, identi-  
13           fied by subaccount and installation, for each  
14           military department and Defense Agency.

15           “(B) The fiscal year in which appropria-  
16           tions or transfers for such expenditures were  
17           made and the fiscal year in which funds were  
18           obligated for such expenditures.

19           “(C) An estimate of the net revenues to be  
20           received from property disposals under this part  
21           or the 1988 BRAC law to be completed during  
22           the first fiscal year commencing after the sub-  
23           mission of the report.

24           “(f) CLOSURE OF ACCOUNT; TREATMENT OF RE-  
25          MAINING FUNDS.—

1           “(1) CLOSURE.—The Account shall be closed at  
2           the time and in the manner provided for appropria-  
3           tion accounts under section 1555 of title 31, United  
4           States Code, except that unobligated funds which re-  
5           main in the Account upon closure shall be held by  
6           the Secretary of the Treasury until transferred by  
7           law after the congressional defense committees re-  
8           ceive the final report transmitted under paragraph  
9           (2).

10           “(2) FINAL REPORT.—No later than 60 days  
11           after the closure of the Account under paragraph  
12           (1), the Secretary shall transmit to the congressional  
13           defense committees a report containing an account-  
14           ing of—

15                   “(A) all the funds credited to and ex-  
16                   pended from the Account or otherwise expended  
17                   under this part or the 1988 BRAC law; and

18                   “(B) any funds remaining in the Account.

19           “(g) DEFINITIONS.—In this section:

20                   “(1) The term ‘commissary store funds’ means  
21                   funds received from the adjustment of, or surcharge  
22                   on, selling prices at commissary stores fixed under  
23                   section 2685 of title 10, United States Code.

1           “(2) The term ‘nonappropriated funds’ means  
2 funds received from a nonappropriated fund instru-  
3 mentality.

4           “(3) The term ‘nonappropriated fund instru-  
5 mentality’ means an instrumentality of the United  
6 States under the jurisdiction of the Armed Forces  
7 (including the Army and Air Force Exchange Serv-  
8 ice, the Navy Resale and Services Support Office,  
9 and the Marine Corps exchanges) which is conducted  
10 for the comfort, pleasure, contentment, or physical  
11 or mental improvement of members of the Armed  
12 Forces.

13           “(4) The term ‘1988 BRAC law’ means title II  
14 of the Defense Authorization Amendments and Base  
15 Closure and Realignment Act (Public Law 100–526;  
16 10 U.S.C. 2687 note).”.

17       (b) CLOSURE OF EXISTING CURRENT ACCOUNTS;  
18 TRANSFER OF FUNDS.—

19           (1) CLOSURE.—Subject to paragraph (2), the  
20 Secretary of the Treasury shall close, pursuant to  
21 section 1555 of title 31, United States Code, the fol-  
22 lowing accounts on the books of the Treasury:

23                   (A) The Department of Defense Base Clo-  
24 sure Account 2005 established by section  
25 2906A of the Defense Base Closure and Re-



1 alignment Act of 1990 (part A of title XXIX of  
2 Public Law 101–510; 10 U.S.C. 2687 note), as  
3 in effect on the effective date of this section.

4 (B) The Department of Defense Base Clo-  
5 sure Account 1990 established by section 2906  
6 of the Defense Base Closure and Realignment  
7 Act of 1990 (part A of title XXIX of Public  
8 Law 101–510; 10 U.S.C. 2687 note), as in ef-  
9 fect on the effective date of this section.

10 (C) The Department of Defense Base Clo-  
11 sure Account established by section 207 of the  
12 Defense Authorization Amendments and Base  
13 Closure and Realignment Act (Public Law 100–  
14 526; 10 U.S.C. 2687 note), as in effect on the  
15 effective date of this section.

16 (2) TRANSFER OF FUNDS.—All amounts re-  
17 maining in the three accounts specified in paragraph  
18 (1) as of the effective date of this section, shall be  
19 transferred, effective on that date, to the Depart-  
20 ment of Defense Base Closure Account established  
21 by section 2906 of the Defense Base Closure and  
22 Realignment Act of 1990, as added by subsection  
23 (a).

24 (3) CROSS REFERENCES.—Except as provided  
25 in this subsection or the context requires otherwise,

1 any reference in a law, regulation, document, paper,  
2 or other record of the United States to an account  
3 specified in paragraph (1) shall be deemed to be a  
4 reference to the Department of Defense Base Clo-  
5 sure Account established by section 2906 of the De-  
6 fense Base Closure and Realignment Act of 1990, as  
7 added by subsection (a).

8 (c) CONFORMING AMENDMENTS.—

9 (1) REPEAL OF FORMER ACCOUNT.—Section  
10 207 of the Defense Authorization Amendments and  
11 Base Closure and Realignment Act (Public Law  
12 100–526; 10 U.S.C. 2687 note) is repealed.

13 (2) DEFINITION.—

14 (A) 1990 LAW.—Section 2910(1) of the  
15 Defense Base Closure and Realignment Act of  
16 1990 (part A of title XXIX of Public Law 101–  
17 510; 10 U.S.C. 2687 note) is amended by strik-  
18 ing “1990 established by section 2906(a)(1)”  
19 and inserting “established by section 2906(a)”.

20 (B) 1988 LAW.—The Defense Authoriza-  
21 tion Amendments and Base Closure and Re-  
22 alignment Act (Public Law 100–526; 10 U.S.C.  
23 2687 note) is amended—

24 (i) in section 204(b)(7)(A), by striking  
25 “established by section 207(a)(1)”; and

1 (ii) in section 209(1), by striking “es-  
2 tablished by section 207(a)(1)” and insert-  
3 ing “established by section 2906(a) of the  
4 Defense Base Closure and Realignment  
5 Act of 1990 (part A of title XXIX of Pub-  
6 lic Law 101–510; 10 U.S.C. 2687 note)”.

7 (3) ENVIRONMENTAL RESTORATION.—Chapter  
8 160 of title 10, United States Code, is amended—

9 (A) in section 2701(d)(2), by striking “De-  
10 partment of Defense Base Closure Account  
11 1990 or the Department of Defense Base Clo-  
12 sure Account 2005 established under sections  
13 2906 and 2906A” and inserting “Department  
14 of Defense Base Closure Account established by  
15 section 2906”;

16 (B) in section 2703(h)—

17 (i) by striking “the applicable Depart-  
18 ment of Defense base closure account” and  
19 inserting “the Department of Defense  
20 Base Closure Account established under  
21 section 2906 of the Defense Base Closure  
22 and Realignment Act of 1990 (part A of  
23 title XXIX of Public Law 101–510; 10  
24 U.S.C. 2687 note)”; and

1 (ii) by striking “the applicable base  
2 closure account” and inserting “such base  
3 closure account”; and

4 (C) in section 2905(g)(2), by striking  
5 “Closure Account 1990” and inserting “Closure  
6 Account”.

7 (4) DEPARTMENT OF DEFENSE HOUSING  
8 FUNDS.—Section 2883 of such title is amended—

9 (A) in subsection (c)—

10 (i) by striking subparagraph (G) of  
11 paragraph (1); and

12 (ii) by striking subparagraph (G) of  
13 paragraph (2); and

14 (B) in subsection (f)—

15 (i) in the first sentence, by striking  
16 “or (G)” both places it appears; and

17 (ii) by striking the second sentence.

18 (d) EFFECTIVE DATE.—This section and the amend-  
19 ments made by this section shall take effect on the later  
20 of—

21 (1) October 1, 2013; and

22 (2) the date of the enactment of an Act author-  
23 izing funds for military construction for fiscal year  
24 2014.

1 **SEC. 2712. AIR ARMAMENT CENTER, EGLIN AIR FORCE**  
2 **BASE.**

3       The Secretary of the Air Force shall retain an Air  
4 Armament Center at Eglin Air Force Base, Florida, in  
5 name and function, with the same integrated mission ele-  
6 ments, responsibilities, and capabilities as existed upon the  
7 completion of implementation of the recommendations of  
8 the 2005 Base Closure and Realignment Commission re-  
9 garding such military installation contained in the report  
10 transmitted by the President to Congress in accordance  
11 with section 2914(e) of the Defense Base Closure and Re-  
12 alignment Act of 1990 (part A of title XXIX of Public  
13 Law 101–510; 10 U.S.C. 2687 note), until such time as  
14 such integrated mission elements, responsibilities, and ca-  
15 pabilities are modified pursuant to section 2687 of title  
16 10, United States Code, or a subsequent law providing for  
17 the closure or realignment of military installations in the  
18 United States.

19 **SEC. 2713. PROHIBITION ON CONDUCTING ADDITIONAL**  
20 **BASE REALIGNMENT AND CLOSURE (BRAC)**  
21 **ROUND.**

22       Nothing in this Act shall be construed to authorize  
23 an additional Base Realignment and Closure (BRAC)  
24 round, and none of the funds appropriated pursuant to  
25 the authorization of appropriations contained in this Act

1 may be used to propose, plan for, or execute an additional  
2 BRAC round.

3 **SEC. 2714. CONSIDERATION OF UNITED STATES MILITARY**  
4 **BASES LOCATED OVERSEAS IN CRITERIA**  
5 **USED TO CONSIDER AND RECOMMEND MILI-**  
6 **TARY INSTALLATIONS FOR CLOSURE OR RE-**  
7 **ALIGNMENT.**

8 Section 2687(b)(1)(B) of title 10, United States  
9 Code, is amended—

10 (1) by striking “and” at the end of clause (i);

11 and

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

14 “(iii) the anticipated continuing need for  
15 and availability of military bases outside the  
16 United States, taking into account current re-  
17 strictions on the use of military bases outside  
18 the United States and the potential for future  
19 prohibitions or restrictions on the use of such  
20 bases; and”.

1 **TITLE XXVIII—MILITARY CON-**  
2 **STRUCTION GENERAL PROVI-**  
3 **SIONS**

4 **Subtitle A—Military Construction**  
5 **Program and Military Family**  
6 **Housing Changes**

7 **SEC. 2801. PREPARATION OF MILITARY INSTALLATION**  
8 **MASTER PLANS.**

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

13 **“§ 2864. Military installation master plans**

14 “(a) PLANS REQUIRED.—At a time interval pre-  
15 scribed by the Secretary concerned (but not less frequently  
16 than once every 10 years), the commander of each military  
17 installation under the jurisdiction of the Secretary shall  
18 ensure an installation master plan is developed to address  
19 environmental planning, sustainable design and develop-  
20 ment, sustainable range planning, real property master  
21 planning, and transportation planning.

22 “(b) TRANSPORTATION COMPONENT.—

23 “(1) COOPERATION WITH METROPOLITAN  
24 PLANNING ORGANIZATIONS.—The transportation  
25 component of an installation master plan shall be

1 developed and updated in cooperation with the met-  
 2 ropolitan planning organization designated for the  
 3 metropolitan planning area in which the military in-  
 4 stallation is located.

5 “(2) DEFINITIONS.—In this subsection, the  
 6 terms ‘metropolitan planning area’ and ‘metropoli-  
 7 tan planning organization’ have the meanings given  
 8 those terms in section 134(b) of title 23 and section  
 9 5303(b) of title 49.

10 “(3) TRANSIT SERVICES.—The installation  
 11 master plan for a military installation shall also ad-  
 12 dress operating costs for transit service and travel  
 13 demand measures on the installation.”.

14 **SEC. 2802. SUSTAINMENT OVERSIGHT AND ACCOUNT-**  
 15 **ABILITY FOR MILITARY HOUSING PRIVATIZA-**  
 16 **TION PROJECTS AND RELATED ANNUAL RE-**  
 17 **PORTING REQUIREMENTS.**

18 (a) SUSTAINMENT OVERSIGHT AND ACCOUNT-  
 19 ABILITY FOR PRIVATIZATION PROJECTS.—

20 (1) OVERSIGHT AND ACCOUNTABILITY MEAS-  
 21 URES.—Subchapter IV of chapter 169 of title 10,  
 22 United States Code, is amended by inserting after  
 23 section 2885 the following new section:



1 **“§ 2885a. Oversight and accountability for privatiza-**  
2 **tion projects: sustainment**

3 “(a) OVERSIGHT AND ACCOUNTABILITY MEAS-  
4 URES.—Each Secretary concerned shall prescribe regula-  
5 tions to effectively oversee and manage a military housing  
6 privatization project carried out under this subchapter  
7 during the sustainment phase of the project following com-  
8 pletion of the construction or renovation of the housing  
9 units. The regulations shall include the following require-  
10 ments for each privatization project:

11 “(1) The financial health and performance of  
12 the military housing privatization project, including  
13 the debt-coverage ratio of the project and occupancy  
14 rates for the constructed or renovated housing units.

15 “(2) A resident satisfaction assessment of the  
16 privatization project.

17 “(3) An assessment of the backlog of mainte-  
18 nance and repair.

19 “(b) REQUIRED QUALIFICATIONS.—The Secretary  
20 concerned or designated representative shall ensure that  
21 the project owner, developer, or general contractor that  
22 is selected for each military housing privatization initiative  
23 project has sustainment experience commensurate with  
24 that required to maintain the project.”.

25 (2) CONFORMING AMENDMENT.—Section  
26 2885(a) of such title is amended in the matter pre-

1 ceding paragraph (1) by inserting before the period  
 2 at the end of the first sentence the following: “dur-  
 3 ing the course of the construction or renovation of  
 4 the housing units”.

5 (3) CLERICAL AMENDMENTS.—

6 (A) SECTION HEADING.—The heading of  
 7 section 2885 of such title is amended to read as  
 8 follows:

9 **“§ 2885. Oversight and accountability for privatiza-**  
 10 **tion projects: construction”.**

11 (B) TABLE OF SECTIONS.—The table of  
 12 sections at the beginning of subchapter IV of  
 13 chapter 169 of such title is amended by striking  
 14 the item relating to section 2885 and inserting  
 15 the following new items:

“2885. Oversight and accountability for privatization projects: construction.

“2885a. Oversight and accountability for privatization projects: sustainment.”.

16 (b) ANNUAL REPORTING REQUIREMENTS.—Section  
 17 2884(b) of such title is amended—

18 (1) by striking paragraphs (2), (3), (4), and  
 19 (7);

20 (2) by redesignating paragraphs (5), (6), and  
 21 (8) as paragraphs (2), (3), and (4), respectively; and

22 (3) by adding at the end the following new  
 23 paragraphs:

1           “(5) A trend analysis of the backlog of mainte-  
2           nance and repair for each privatization project, in-  
3           cluding the total cost of the operation, maintenance,  
4           and repair costs associated with each project.

5           “(6) If the debt associated with a privatization  
6           project exceeds net operating income or the occu-  
7           pancy rates for the constructed or renovated housing  
8           units are below 75 percent for any sustained period  
9           of more than one year, a report regarding the plan  
10          to mitigate the financial risk of the project.”.

11 **SEC. 2803. ONE-YEAR EXTENSION OF AUTHORITY TO USE**  
12 **OPERATION AND MAINTENANCE FUNDS FOR**  
13 **CONSTRUCTION PROJECTS OUTSIDE THE**  
14 **UNITED STATES.**

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

21           (1) in paragraph (1), by striking “September  
22          30, 2012” and inserting “September 30, 2013”; and  
23           (2) in paragraph (2), by striking “fiscal year  
24          2013” and inserting “fiscal year 2014”.

1 **SEC. 2804. TREATMENT OF CERTAIN DEFENSE NUCLEAR**  
2 **FACILITY CONSTRUCTION PROJECTS AS**  
3 **MILITARY CONSTRUCTION PROJECTS.**

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

5 (1) According to a memorandum of agreement  
6 between the Secretary of Defense and the Secretary  
7 of Energy dated May 2010 and a subsequent adden-  
8 dum to such memorandum, the Secretary of Defense  
9 plans to transfer \$8,300,000,000 of the budgetary  
10 authority of the Department of Defense to the Ad-  
11 ministrator for Nuclear Security of the National Nu-  
12 clear Security Administration between fiscal years  
13 2011 and 2016 to fund activities of the Administra-  
14 tion that the Secretary determines to be high prior-  
15 ities.

16 (2) Such funding has directly supported defense  
17 activities at the National Nuclear Security Adminis-  
18 tration, including design and construction activities  
19 for the Chemistry and Metallurgy Research Building  
20 Replacement project and the Uranium Processing  
21 Facility project specified in paragraphs (2) and (3)  
22 of subsection (b).

23 (b) COVERED FACILITIES.—This section applies to  
24 the following construction projects of the National Nuclear  
25 Security Administration:

1           (1) Any project to build a nuclear facility, initi-  
2           ated on or after October 1, 2013, that is estimated  
3           to cost in excess of \$1,000,000,000 and is intended  
4           to be primarily utilized to support the nuclear weap-  
5           ons activities of the National Nuclear Security Ad-  
6           ministration.

7           (2) The Chemistry and Metallurgy Research  
8           Building Replacement project, Los Alamos, New  
9           Mexico.

10          (3) The Uranium Processing Facility project,  
11          Oak Ridge, Tennessee.

12          (c) TREATMENT AS MILITARY CONSTRUCTION  
13 PROJECTS.—In the case of the construction projects of the  
14 National Nuclear Security Administration specified in  
15 subsection (b), the projects are deemed to be military con-  
16 struction projects to be carried out with respect to a mili-  
17 tary installation and therefore subject to the following:

18           (1) The advance-project authorization require-  
19           ment of section 2802(a) of title 10, United States  
20           Code, and other requirements of chapter 169 of such  
21           title related to military construction projects carried  
22           out by the Secretary of Defense with respect to the  
23           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**

State	Installation or Location	Amount
New Mexico .....	Los Alamos .....	\$3,500,000,000
Tennessee .....	Oak Ridge .....	\$4,200,000,000

(e) **REGULATION, REQUIREMENTS, AND COORDINATION.**—For each project specified in subsection (b)—

(1) the Administrator for Nuclear Security of the National Nuclear Security Administration and the Secretary of Energy shall retain authority to regulate design and construction activities pursuant to the Atomic Energy Act and other applicable laws;

(2) the Secretary of Defense shall coordinate with the Administrator for Nuclear Security regarding requirements for the facility; and

(3) the Administrator for Nuclear Security shall make available to the Secretary of Defense the ex-

1       pertise of the National Nuclear Security Administra-  
2       tion to support design and construction activities.

3       (f) TRANSFER OF FACILITIES.—Upon completion of  
4       construction of a project specified in subsection (b), the  
5       Secretary of Defense shall negotiate with the Adminis-  
6       trator for Nuclear Security of the National Nuclear Secu-  
7       rity Administration to transfer the constructed facility to  
8       the authority of the Administrator for operations.

9       (g) SENSE OF CONGRESS.—It is the sense of Con-  
10      gress that during fiscal year 2014 and thereafter, the  
11      budgetary authority provided by the Secretary of Defense  
12      to the Administrator for Nuclear Security of the National  
13      Nuclear Security Administration under the memorandum  
14      described in subsection (a)(1) should be reduced by the  
15      amount needed to fund the design and construction of the  
16      projects specified in paragraphs (2) and (3) of subsection  
17      (b).

18      (h) INFORMATION TRANSFER AND LEGAL EFFECT  
19      OF TRANSFER.—Not later than September 30, 2013, the  
20      Administrator for Nuclear Security of the National Nu-  
21      clear Security Administration shall transfer to the Sec-  
22      retary of Defense all information in the possession of the  
23      Administrator related to architectural and engineering  
24      services and construction design for the construction  
25      projects specified in subsection (b). All environmental im-

1 pact statements and legal rulings in effect before that date  
2 related to the projects shall be considered valid upon  
3 transfer of responsibility for the projects to the Secretary  
4 of Defense under subsection (c).

5 (i) EFFECTIVE DATE.—This section shall apply to  
6 the construction projects specified in subsection (b) effective for fiscal year 2014 and fiscal years thereafter.

8 **SEC. 2805. EXECUTION OF CHEMISTRY AND METALLURGY**  
9 **RESEARCH BUILDING REPLACEMENT NUCLEAR FACILITY AND LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.**

12 (a) POLICY.—It is the policy of the United States to  
13 create and sustain the capability to produce plutonium  
14 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.

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

20 (1) successful and timely construction of the  
21 Chemistry and Metallurgy Research Building Replacement nuclear facility in Los Alamos, New Mexico, is critical to achieving the policy expressed in  
22 subsection (a) and that such facility should achieve  
23 full operational capability by fiscal year 2024;



1           (2) prior-year funds for the Chemistry and Met-  
2           allurgy Research Building Replacement nuclear fa-  
3           cility, up to \$160,000,000 being available, should be  
4           applied to continue design and construction of this  
5           facility in fiscal year 2013; and

6           (3) during fiscal year 2014 and thereafter, the  
7           budgetary authority provided by the Secretary of  
8           Defense to the Administrator for Nuclear Security  
9           of the National Nuclear Security Administration  
10          under the memorandum of agreement between the  
11          Secretary of Defense and the Secretary of Energy  
12          dated May 2010 should be reduced by the amount  
13          needed to fund the design and construction of the  
14          Chemistry and Metallurgy Research Building Re-  
15          placement nuclear facility under the military con-  
16          struction authorities provided in section 2804.

17          (c) FUTURE BUDGET REQUESTS.—The Secretary of  
18          Defense, in coordination with the Administrator for Nu-  
19          clear Security of the National Nuclear Security Adminis-  
20          tration, shall request such funds in fiscal year 2014 and  
21          subsequent fiscal years under the military construction au-  
22          thorities of section 2804 to ensure the Chemistry and Met-  
23          allurgy Research Building Replacement nuclear facility  
24          achieves full operational capability by fiscal year 2024.

1 (d) LIMITATION ON ALTERNATIVE PLUTONIUM  
2 STRATEGY.—No funds authorized to be appropriated by  
3 this Act or any other Act may be obligated or expended  
4 on any activities associated with a plutonium strategy for  
5 the National Nuclear Security Administration that does  
6 not include achieving full operational capability of the  
7 Chemistry and Metallurgy Research Building Replace-  
8 ment nuclear facility by fiscal year 2024.

9 **SEC. 2806. USE OF PROJECT LABOR AGREEMENTS IN MILI-**  
10 **TARY CONSTRUCTION PROJECTS AND MILI-**  
11 **TARY FAMILY HOUSING PROJECTS.**

12 (a) REQUIREMENTS.—Section 2852 of title 10,  
13 United States Code, is amended by adding at the end the  
14 following new subsection:

15 “(d)(1) The Secretary of Defense and the Secretaries  
16 of the military departments, when awarding a construction  
17 contract on behalf of the Government, in any solicitations,  
18 bid specifications, project agreements, or other controlling  
19 documents, shall not—

20 “(A) require or prohibit bidders, offerors, con-  
21 tractors, or subcontractors to enter into or adhere to  
22 agreements with one or more labor organizations;  
23 and

24 “(B) discriminate against or give preference to  
25 bidders, offerors, contractors, or subcontractors

1 based on their entering or refusing to enter into  
2 such an agreement.

3 “(2) Nothing in this subsection shall prohibit a con-  
4 tractor or subcontractor from voluntarily entering into an  
5 agreement with one or more labor organizations, as pro-  
6 tected by the National Labor Relations Act (29 U.S.C.  
7 151 et seq.).”.

8 (b) APPLICATION OF AMENDMENT.—The amendment  
9 made by subsection (a) shall not apply to construction con-  
10 tracts awarded before the date of the enactment of this  
11 Act.

## 12 **Subtitle B—Real Property and** 13 **Facilities Administration**

### 14 **SEC. 2811. AUTHORITY OF MILITARY MUSEUMS TO ACCEPT** 15 **GIFTS AND SERVICES AND TO ENTER INTO** 16 **LEASES AND COOPERATIVE AGREEMENTS.**

17 (a) MUSEUM SUPPORT AUTHORITY.—Chapter 155 of  
18 title 10, United States Code, is amended by inserting after  
19 section 2608 the following new section:

#### 20 **“§ 2609. Military museum programs: acceptance of** 21 **gifts and other support**

22 “(a) ACCEPTANCE OF SERVICES.—Notwithstanding  
23 section 1342 of title 31, the Secretary concerned may ac-  
24 cept services from a nonprofit entity to support a military  
25 museum program under the jurisdiction of the Secretary.

1       “(b) LIMITATION ON USE OF GIFT FUNDS.—A gift  
2 made for the purpose of assisting in the development, op-  
3 eration, maintenance, or management of, or for the acqui-  
4 sition of collections for, a military museum program and  
5 deposited into one of the general gift funds specified in  
6 section 2601(c) of this title shall be available only for the  
7 military museum program and the purpose for which the  
8 gift was made.

9       “(c) SOLICITATION OF GIFTS.—Under regulations  
10 prescribed under this section, the Secretary concerned  
11 may solicit from any person or public or private entity,  
12 for the use and benefit of a military museum program,  
13 a gift of books, manuscripts, works of art, historical arti-  
14 facts, drawings, plans, models, condemned or obsolete  
15 combat materiel, or other personal property.

16       “(d) LEASING AUTHORITY.—(1) In accordance with  
17 section 2667 of this title, the Secretary concerned may  
18 lease real and personal property of a military museum pro-  
19 gram to a nonprofit entity for purposes related to the mili-  
20 tary museum program.

21       “(2) A lease under this subsection may not include  
22 any part of the collection of a military museum program.

23       “(e) COOPERATIVE AGREEMENTS.—The Secretary  
24 concerned may enter into a cooperative agreement with

1 a nonprofit entity for purposes related to support of a mili-  
2 tary museum program.

3 “(f) EMPLOYEE STATUS.—For purposes of this sec-  
4 tion, employees or personnel of a nonprofit entity may not  
5 be considered to be employees of the United States.

6 “(g) REGULATIONS.—(1) The Secretary of Defense  
7 shall prescribe regulations to implement this section. The  
8 regulations shall apply uniformly throughout the Depart-  
9 ment of Defense.

10 “(2) The regulations shall provide that solicitation of  
11 a gift, acceptance of a gift (including a gift of services),  
12 or use of a gift under this section may not occur if the  
13 nature or circumstances of the solicitation, acceptance, or  
14 use would compromise the integrity or the appearance of  
15 integrity of any program of the Department of Defense  
16 or any individual involved in such program.

17 “(h) DEFINITIONS.—In this section:

18 “(1) The term ‘military museum program’ may  
19 include an individual museum.

20 “(2) The term ‘nonprofit entity’ means an ex-  
21 empt organization under section 501(c)(3) of the In-  
22 ternal Revenue Code of 1986 whose primary purpose  
23 is supporting a military museum program.

1 “(3) The term ‘Secretary concerned’ includes  
 2 the Secretary of Defense with respect to matters  
 3 concerning the Defense Agencies.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
 5 at the beginning of such chapter is amended by inserting  
 6 after the item relating to section 2608 the following new  
 7 item:

“2609. Military museum programs: acceptance of gifts and other support.”.

8 **SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DE-**  
 9 **PARTMENT OF DEFENSE MAY CONDUCT EX-**  
 10 **CHANGES OF REAL PROPERTY AT CERTAIN**  
 11 **MILITARY INSTALLATIONS.**

12 Section 2869(a)(1) of title 10, United States Code,  
 13 is amended—

14 (1) by striking “any eligible entity” and insert-  
 15 ing “any person”;

16 (2) by striking “the entity” and inserting “the  
 17 person”; and

18 (3) by striking “their control” and inserting  
 19 “the person’s control”.

20 **SEC. 2813. INDEMNIFICATION OF TRANSFEREES OF PROP-**  
 21 **ERTY AT ANY CLOSED MILITARY INSTALLA-**  
 22 **TION.**

23 Section 330 of the National Defense Authorization  
 24 Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C.  
 25 2687 note) is amended—

1           (1) in subsection (a)(1), by striking “pursuant  
2           to a base closure law” and inserting “after October  
3           24, 1988, the date of the enactment of the Defense  
4           Authorization Amendments and Base Closure and  
5           Realignment Act (Public Law 100–526; 10 U.S.C.  
6           2687 note)”; and

7           (2) in subsection (f), by striking paragraph (3).

8   **SEC. 2814. IDENTIFICATION REQUIREMENT FOR ENTRY ON**  
9                           **MILITARY INSTALLATIONS.**

10          (a) IDENTIFICATION REQUIREMENT FOR MILITARY  
11   INSTALLATIONS.—

12               (1) MINIMUM IDENTIFICATION REQUIRED.—

13                   (A) IN GENERAL.—Beginning on the day  
14                   that is 120 days after the date of the enact-  
15                   ment of this Act, the Secretary concerned may  
16                   not permit a person who is 18 years old or  
17                   older to enter a military installation in the  
18                   United States unless such person presents, as  
19                   determined by an authentication procedure that  
20                   meets the minimum procedural requirements  
21                   identified by the Secretary of Defense in para-  
22                   graph (4), at a minimum—

23                               (i) a valid Federal or State govern-  
24                               ment issued photo identification card;

25                               (ii) a valid Common Access Card; or

1 (iii) a valid uniformed services identi-  
2 fication card.

3 (B) EXCEPTION FOR CERTAIN FOREIGN  
4 PASSPORTS.—The Secretary concerned may  
5 permit a person to enter a military installation  
6 in the United States if such person presents a  
7 valid foreign passport, as determined by an au-  
8 thentication procedure that meets the minimum  
9 procedural requirements identified by the Sec-  
10 retary of Defense in paragraph (4), if—

11 (i) such person is visiting such mili-  
12 tary installation on official business be-  
13 tween the Armed Forces and the armed  
14 forces of a foreign country; or

15 (ii) such person is visiting a member  
16 of the uniformed services or a civilian em-  
17 ployee of the Department of Defense on  
18 such military installation.

19 (2) EXPIRED OR FRAUDULENT IDENTIFICA-  
20 TION.—The Secretary concerned shall confiscate any  
21 form of identification that the Secretary determines,  
22 using an authentication procedure that meets the  
23 minimum procedural requirements identified by the  
24 Secretary of Defense in paragraph (4), to be expired  
25 or fraudulent.



1           (3) COORDINATION AMONG MILITARY INSTAL-  
2           LATIONS OF A STATE.—The Secretary concerned  
3           shall keep a list and shall inform the personnel at  
4           any other military installation in the State of such  
5           military installation of the name of any person—

6                   (A) who attempts to help a person required  
7                   to present a valid form of identification under  
8                   paragraph (1) to enter a military installation in  
9                   the United States without such required identi-  
10                  fication; or

11                  (B) who attempts to enter a military in-  
12                  stallation military installation in the United  
13                  States with a form of identification that the  
14                  Secretary concerned determines to be expired or  
15                  fraudulent under paragraph (2).

16           (4) PROCEDURAL REQUIREMENTS FOR IDENTI-  
17           FICATION VERIFICATION.—Not later than 90 days  
18           after the date of the enactment of this Act, the Sec-  
19           retary of Defense shall identify the minimum proce-  
20           dural requirements for the Secretary concerned to  
21           authenticate the forms of identification in paragraph  
22           (1) for a person entering a military installation in  
23           the United States. In identifying such requirements,  
24           the Secretary of Defense shall identify minimum  
25           procedural requirements to ensure that individuals

1 who need to enter a military installation in the  
2 United States to perform work under a contract  
3 awarded by the Department of Defense present a  
4 valid form of identification under paragraph (1).

5 (b) DEFINITIONS.—

6 (1) COMMON ACCESS CARD.—In this section,  
7 the term “Common Access Card” means the stand-  
8 ard identification card issued by the Secretary of  
9 Defense to active-duty military personnel, Selected  
10 Reserve personnel, Department of Defense civilian  
11 employees, and certain persons awarded contracts by  
12 the Secretary of Defense.

13 (2) SECRETARY CONCERNED.—In this section,  
14 the term “Secretary concerned” has the meaning  
15 given the term in section 101(a) of title 10, United  
16 States Code.

17 (3) UNIFORMED SERVICES IDENTIFICATION  
18 CARD.—In this section, the term “uniformed services  
19 identification card” means the identification card  
20 issued by the Secretary of Defense to spouses and  
21 other eligible dependents of members of the uni-  
22 formed services and other eligible persons, as deter-  
23 mined by the Secretary of Defense.

1 **SEC. 2815. PLAN TO PROTECT CRITICAL DEPARTMENT OF**  
2 **DEFENSE CRITICAL ASSETS FROM ELECTRO-**  
3 **MAGNETIC PULSE WEAPONS.**

4 (a) PLAN REQUIRED.—Not later than September 1,  
5 2013, the Secretary of the Defense shall submit to the  
6 congressional defense committees a plan to protect defense  
7 critical assets under the jurisdiction of the Department  
8 of Defense, and critical equipment at military installa-  
9 tions, from the adverse effects of electromagnetic pulse  
10 and high-powered microwave weapons.

11 (b) PREPARATION AND ELEMENTS OF PLAN.—In  
12 preparing the plan required by subsection (a), the Sec-  
13 retary of Defense shall utilize the guidance and rec-  
14 ommendations of the Commission to Assess the Threat to  
15 the United States from Electromagnetic Pulse Attack es-  
16 tablished by section 1401 of the Floyd D. Spence National  
17 Defense Authorization Act for Fiscal Year 2001 (as en-  
18 acted into law by Public Law 106–398; 114. Stat. 1654A–  
19 345). The plan shall include the following elements:

20 (1) An assessment of overall military installa-  
21 tion protection from electromagnetic pulse and high-  
22 powered microwave weapons.

23 (2) A listing of defense critical assets.

24 (3) An assessment of the adequacy of each de-  
25 fense critical asset, to include the backup power ca-  
26 pabilities of the defense critical asset, to withstand

1        attack currently and a description and a cost esti-  
2        mate for each project to improve, repair, renovate,  
3        or modernize defense critical assets for which any  
4        deficiency is identified in the assessment.

5            (4) A list of projects, costs, and timelines  
6        through the future-years defense program to meet  
7        the requirements to overcome deficiencies identified  
8        under paragraph (3) for all defense critical assets.

9            (5) A list of civilian critical infrastructures  
10       upon which a defense critical asset depends (elec-  
11       tricity, water, telecommunications, etc) that, if ren-  
12       dered inoperable by electromagnetic pulse or high-  
13       powered microwave weapons, would compromise the  
14       function of a defense critical asset.

15        (c) FORM OF SUBMISSION.—The plan required by  
16       subsection (a) shall be submitted in unclassified form, but  
17       may include a classified annex.

18        (d) DEFENSE CRITICAL ASSET.—In this section, the  
19       term “defense critical asset” means an asset of such ex-  
20       traordinary importance to operations in peace, crisis, and  
21       war that its incapacitation or destruction would have a  
22       very serious debilitating effect on the ability of the Depart-  
23       ment of Defense to fulfill its missions.

## **Subtitle C—Energy Security**

**SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CONTRACTS FOR THE PROVISION AND OPERATION OF ENERGY PRODUCTION FACILITIES AUTHORIZED TO BE LOCATED ON REAL PROPERTY UNDER THE JURISDICTION OF A MILITARY DEPARTMENT.**

Section 2662(a)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(H) Any transaction or contract action for the provision and operation of energy production facilities on real property under the jurisdiction of the Secretary of a military department, as authorized by section 2922a(a)(2) of this title, if the term of the transaction or contract exceeds 20 years.”.

**SEC. 2822. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION AND EXPANSION TO INCLUDE IMPLEMENTATION OF ASHRAE BUILDING STANDARD 189.1.**

Section 2830(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—

1 (1) in the subsection heading, by inserting after  
 2 “AND ASHRAE IMPLEMENTATION” after “CERTIFI-  
 3 CATION”; and

4 (2) in paragraph (1)—

5 (A) by striking “authorized to be”;

6 (B) by striking “by this Act”;

7 (C) by inserting “or 2013” after “fiscal  
 8 year 2012”; and

9 (D) by inserting before the period at the  
 10 end the following: “and implementing ASHRAE  
 11 building standard 189.1”.

12 **SEC. 2823. AVAILABILITY AND USE OF DEPARTMENT OF DE-**  
 13 **FENSE ENERGY COST SAVINGS TO PROMOTE**  
 14 **ENERGY SECURITY.**

15 Section 2912(b)(1) of title 10, United States Code,  
 16 is amended by inserting after “additional energy conserva-  
 17 tion” the following: “and energy security”.

18 **SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE**  
 19 **FOR DEPARTMENT OF DEFENSE ENERGY SE-**  
 20 **CURITY.**

21 Section 2924(7)(A) of title 10, United States Code,  
 22 is amended by inserting before the period at the end the  
 23 following: “and direct solar renewable energy”.

**Subtitle D—Provisions Related to  
Guam Realignment**

**SEC. 2831. USE OF OPERATION AND MAINTENANCE FUND-  
ING TO SUPPORT COMMUNITY ADJUSTMENTS  
RELATED TO REALIGNMENT OF MILITARY IN-  
STALLATIONS AND RELOCATION OF MILI-  
TARY PERSONNEL ON GUAM.**

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—

Using funds made available under subsection (c), the Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the “Guam realignment”) if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The

Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Deci-

1 sion of the “Guam and CNMI Military Relocation  
2 Environmental Impact Statement” by providing in-  
3 creased municipal services and facilities to activities  
4 that directly support the Guam realignment.

5 (b) METHODS OF PROVIDING ASSISTANCE.—

6 (1) USE OF EXISTING PROGRAMS.—The Sec-  
7 retary of Defense shall carry out subsection (a)  
8 through existing Federal programs supporting the  
9 Government of Guam and the Guam realignment,  
10 whether or not the programs are administered by  
11 the Department of Defense or another Federal agen-  
12 cy.

13 (2) COST SHARE ASSISTANCE.—The Secretary  
14 may assist the Government of Guam to any cost-  
15 sharing obligation imposed on the Government of  
16 Guam under any Federal program utilized by the  
17 Secretary under paragraph (1).

18 (c) SOURCE OF FUNDS.—

19 (1) TRANSFER AUTHORITY.—To the extent nec-  
20 essary to carry out subsection (a), the Secretary is  
21 authorized to transfer funds made available in fiscal  
22 year 2013 to the Department of Defense or a mili-  
23 tary department for operation and maintenance to a  
24 different account of the Department of Defense or  
25 another Federal agency in order to make funds



1       available to the Government of Guam under a Fed-  
2       eral program utilized by the Secretary under sub-  
3       section (b)(1). Amounts so transferred shall be  
4       merged with the appropriation to which transferred  
5       and shall be available only for the purpose of assist-  
6       ing the Government of Guam as described in sub-  
7       section (a).

8               (2) ADDITIONAL AUTHORITY.—The transfer au-  
9       thority provided by paragraph (1) is in addition to  
10      the transfer authority provided by section 1001.

11      (d) PROGRESS REPORTS REQUIRED.—The Secretary  
12      of Defense shall submit to the Committees on Armed Serv-  
13      ices of the Senate and the House of Representatives semi-  
14      annual reports indicating the total amount expended  
15      under the authority of this section during the preceding  
16      six-month period, the specific projects for which assistance  
17      was provided during such period, and the total amount  
18      provided for each project during such period.

19      (e) TERMINATION.—The authority to provide assist-  
20      ance under this section expires September 30, 2020.  
21      Amounts obligated on or before that date may be expended  
22      after that date.

1 **SEC. 2832. CERTIFICATION OF MILITARY READINESS NEED**  
 2 **FOR FIRING RANGE ON GUAM AS CONDITION**  
 3 **ON ESTABLISHMENT OF RANGE.**

4 A firing range on Guam may not be established (in-  
 5 cluding any construction or lease of lands related to such  
 6 establishment) until the Secretary of Defense certifies to  
 7 the congressional defense committees that there is a na-  
 8 tional security need for the firing range related to readi-  
 9 ness of the Armed Forces assigned to the United States  
 10 Pacific Command.

11 **SEC. 2833. REPEAL OF CONDITIONS ON USE OF FUNDS FOR**  
 12 **GUAM REALIGNMENT.**

13 Section 2207(a) of the Military Construction Author-  
 14 ization Act for Fiscal Year 2012 (division B of Public Law  
 15 112–81; 125 Stat. 1668) is amended—

16 (1) in paragraph (2), by inserting “and” after  
 17 the semicolon;

18 (2) by striking paragraphs (3) and (4); and

19 (3) by redesignating paragraph (5) as para-  
 20 graph (3).

21 **Subtitle E—Land Conveyances**

22 **SEC. 2841. MODIFICATION TO AUTHORIZED LAND CONVEY-**  
 23 **ANCE AND EXCHANGE, JOINT BASE ELMEN-**  
 24 **DORF RICHARDSON, ALASKA.**

25 (a) CHANGE IN OFFICER AUTHORIZED TO CARRY  
 26 OUT CONVEYANCES.—Subsection (a) of section 2851 of

1 the Military Construction Authorization Act for Fiscal  
2 Year 2012 (division B of Public Law 112–81; 125 Stat.  
3 1697) is amended—

4 (1) in paragraph (1), by striking “The Sec-  
5 retary of the Air Force may, in consultation with the  
6 Secretary of the Interior” and inserting “The Sec-  
7 retary of the Interior may, in consultation with the  
8 Secretary of the Air Force”; and

9 (2) in paragraph (2)—

10 (A) by striking “The Secretary of the Air  
11 Force may, in consultation with the Secretary  
12 of the Interior, upon terms mutually agreeable  
13 to the Secretary of the Air Force” and inserting  
14 “The Secretary of the Interior may, in con-  
15 sultation with the Secretary of the Air Force,  
16 upon terms mutually agreeable to the Secretary  
17 of the Interior”; and

18 (B) by striking “in consultation with the  
19 Secretary of the Interior” the second place it  
20 appears and inserting “in consultation with the  
21 Secretary of the Air Force”.

22 (b) CONFORMING AMENDMENTS.—Such section is  
23 further amended—

24 (1) in subsection (a)(3), by inserting “of the In-  
25 terior” after “Secretary”;

1 (2) in subsection (c)—

2 (A) in paragraph (1)—

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

6 (ii) by striking “the Secretary” the  
7 first place it appears and inserting “the  
8 Secretary of the Interior and the Secretary  
9 of the Air Force”; and

10 (iii) by striking “the Secretary” in  
11 each other place it appears and inserting  
12 “the Secretaries”; and

13 (B) in paragraph (2), by striking “the Sec-  
14 retary” and inserting “the Secretaries”; and

15 (3) in subsections (e) and (f), by inserting “of  
16 the Interior” after “Secretary”.

17 (c) TECHNICAL AMENDMENT.—Subsection (a)(1) of  
18 such section is further amended by striking “JBER” and  
19 inserting “Joint Base Elmendorf Richardson, Alaska (in  
20 this section referred to as ‘JBER’),”.

1 **SEC. 2842. MODIFICATION OF FINANCING AUTHORITY,**  
2 **BROADWAY COMPLEX OF THE DEPARTMENT**  
3 **OF THE NAVY, SAN DIEGO, CALIFORNIA.**

4 Subsection (a) of section 2732 of the Military Con-  
5 struction Authorization Act, 1987 (division B of Public  
6 99–661; 100 Stat. 4046) is amended to read as follows:

7 “(a) IN GENERAL.—(1) Subject to subsections (b)  
8 through (g), the Secretary of the Navy may enter into  
9 long-term leases of real property located within the Broad-  
10 way Complex of the Department of the Navy, San Diego,  
11 California.

12 “(2) Subject to subsections (b) through (g), the Sec-  
13 retary may assist any lessee of real property described in  
14 paragraph (1) in financing the construction by the lessee  
15 of any facility on such real property or otherwise within  
16 the boundaries of the metropolitan San Diego, California,  
17 area.”.

18 **SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RE-**  
19 **SERVE CENTER, WARREN, OHIO.**

20 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
21 the Army may convey, without consideration, to the Vil-  
22 lage of Lordstown, Ohio (in this section referred to as the  
23 “Village”), all right, title, and interest of the United  
24 States in and to a parcel of real property, including any  
25 improvements thereon, consisting of approximately 6.95  
26 acres and containing the John Kunkel Army Reserve Cen-

1 ter located at 4967 Tod Avenue in Warren, Ohio, for the  
2 purpose of permitting the Village to use the parcel for  
3 public purposes.

4 (b) INTERIM LEASE.—Until such time as the real  
5 property described in subsection (a) is conveyed to the Vil-  
6 lage, the Secretary may lease the property to the Village.

7 (c) PAYMENT OF COSTS OF CONVEYANCE.—

8 (1) PAYMENT REQUIRED.—The Secretary shall  
9 require the Village to cover costs (except costs for  
10 environmental remediation of the property) to be in-  
11 curred by the Secretary, or to reimburse the Sec-  
12 retary for such costs incurred by the Secretary, to  
13 carry out the conveyance under subsection (a), in-  
14 cluding survey costs, costs for environmental docu-  
15 mentation, and any other administrative costs re-  
16 lated to the conveyance. If amounts are collected  
17 from the Village in advance of the Secretary incur-  
18 ring the actual costs, and the amount collected ex-  
19 ceeds the costs actually incurred by the Secretary to  
20 carry out the conveyance, the Secretary shall refund  
21 the excess amount to the Village.

22 (2) TREATMENT OF AMOUNTS RECEIVED.—  
23 Amounts received as reimbursement under para-  
24 graph (1) shall be credited to the fund or account  
25 that was used to cover those costs incurred by the

1 Secretary in carrying out the conveyance. Amounts  
2 so credited shall be merged with amounts in such  
3 fund or account, and shall be available for the same  
4 purposes, and subject to the same conditions and  
5 limitations, as amounts in such fund or account.

6 (d) CONDITIONS OF CONVEYANCE.—The conveyance  
7 of the real property under subsection (a) shall be subject  
8 to the following conditions:

9 (1) That the Village not use any Federal funds  
10 to cover any portion of the conveyance costs required  
11 by subsection (c) to be paid by the Village or to  
12 cover the costs for the design or construction of any  
13 facility on the property.

14 (2) That the Village begin using the property  
15 for public purposes before the end of the five-year  
16 period beginning on the date of conveyance.

17 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
18 and legal description of the property to be conveyed under  
19 subsection (a) shall be determined by a survey satisfactory  
20 to the Secretary.

21 (f) ADDITIONAL TERMS.—The Secretary may require  
22 such additional terms and conditions in connection with  
23 the conveyance as the Secretary considers appropriate to  
24 protect the interests of the United States.

1 **SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT**  
2 **BLISS, TEXAS.**

3 (a) CONVEYANCE AUTHORIZED.—

4 (1) CONVEYANCE AUTHORITY.—The Secretary  
5 of the Army may convey, without consideration, to  
6 the Parks and Wildlife Department of the State of  
7 Texas (in this section referred to as the “Depart-  
8 ment”) all right, title, and interest of the United  
9 States in and to a parcel of real property, including  
10 any improvements thereon, consisting of approxi-  
11 mately 7,081 acres at Fort Bliss, Texas, for the pur-  
12 pose of permitting the Department to establish and  
13 operate a park as an element of the Franklin Moun-  
14 tains State Park.

15 (2) PIECEMEAL CONVEYANCES.—In anticipa-  
16 tion of the conveyance of the entire parcel of real  
17 property described in paragraph (1), the Secretary  
18 may subdivide the parcel and convey to the Depart-  
19 ment portions of the real property as the Secretary  
20 determines that the condition of the real property is  
21 compatible with the Department’s intended use of  
22 the property.

23 (b) REVERSIONARY INTEREST.—If the Secretary de-  
24 termines at any time that the real property conveyed  
25 under subsection (a) is not being used in accordance with  
26 the purpose of the conveyance, all right, title, and interest



1 in and to such real property, including any improvements  
2 thereto, shall, at the option of the Secretary, revert to and  
3 become the property of the United States, and the United  
4 States shall have the right of immediate entry onto such  
5 real property. A determination by the Secretary under this  
6 subsection shall be made on the record after an oppor-  
7 tunity for a hearing.

8 (c) PAYMENT OF COSTS OF CONVEYANCES.—

9 (1) PAYMENT REQUIRED.—The Secretary shall  
10 require the Department to cover costs to be incurred  
11 by the Secretary, or to reimburse the Secretary for  
12 costs incurred by the Secretary, to carry out the  
13 land conveyance under this section, including survey  
14 costs, costs related to environmental documentation,  
15 and other administrative costs related to the convey-  
16 ance. If amounts are collected from the Department  
17 in advance of the Secretary incurring the actual  
18 costs, and the amount collected exceeds the costs ac-  
19 tually incurred by the Secretary to carry out the  
20 land exchange, the Secretary shall refund the excess  
21 amount to Department. This paragraph does not  
22 apply to costs associated with the environmental re-  
23 mediation of the property to be conveyed.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—

25 Amounts received as reimbursements under para-

1 graph (1) shall be credited to the fund or account  
2 that was used to cover the costs incurred by the Sec-  
3 retary in carrying out the land exchange. Amounts  
4 so credited shall be merged with amounts in such  
5 fund or account and shall be available for the same  
6 purposes, and subject to the same conditions and  
7 limitations, as amounts in such fund or account.

8 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
9 and legal descriptions of the parcels of real property to  
10 be conveyed under subsection (a) shall be determined by  
11 a survey satisfactory to the Secretary.

12 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
13 Secretary may require such additional terms and condi-  
14 tions in connection with the conveyances under subsection  
15 (a) as the Secretary considers appropriate to protect the  
16 interests of the United States.

17 **SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT**  
18 **HOOD, TEXAS.**

19 Section 2848(a) of the Military Construction Author-  
20 ization Act for Fiscal Year 2005 (division B of Public Law  
21 108–375; 118 Stat. 2140) is amended by striking “for the  
22 sole purpose” and all that follows through “Central  
23 Texas.” and inserting the following: “for the purpose of  
24 permitting the University System to use the property—

1 “(1) for the establishment of a State-supported  
2 university, separate from other universities of the  
3 University System, designated as Texas A&M Uni-  
4 versity, Central Texas; and

5 “(2) for such other educational and related pur-  
6 poses as the University System considers to be ap-  
7 propriate and the Secretary of the Army determines  
8 to be compatible with military activities in the vicin-  
9 ity of the property.”.

10 **SEC. 2846. TRANSFER OF ADMINISTRATIVE JURISDICTION,**  
11 **FORT LEE MILITARY RESERVATION AND PE-**  
12 **TERSBURG NATIONAL BATTLEFIELD, VIR-**  
13 **GINIA.**

14 (a) **TRANSFER OF ADMINISTRATIVE JURISDICTION**  
15 **FROM SECRETARY OF THE ARMY.**—The Secretary of the  
16 Army shall transfer to the Secretary of the Interior, with-  
17 out reimbursement, administrative jurisdiction over a par-  
18 cel of land at Fort Lee Military Reservation consisting of  
19 approximately 1.171 acres and depicted as “Area to be  
20 transferred to Petersburg National Battlefield” on the  
21 map titled “Petersburg National Battlefield Proposed  
22 Transfer of Administrative Jurisdiction”, numbered 325/  
23 80,801A, and dated May 2011. The Secretary of the Inte-  
24 rior shall include the land transferred under this sub-  
25 section within the boundary of Petersburg National Bat-

1 tlefield and administer the land as part of the park in ac-  
 2 cordance with laws and regulations applicable to the park.

3 (b) TRANSFER OF ADMINISTRATIVE JURISDICTION  
 4 TO SECRETARY OF THE ARMY.—The Secretary of the In-  
 5 terior shall transfer to the Secretary of the Army, without  
 6 reimbursement, administrative jurisdiction over a parcel  
 7 of land consisting of approximately 1.170 acres and de-  
 8 picted as “Area to be transferred to Fort Lee Military  
 9 Reservation” on the map referred to in subsection (a).

10 (c) AVAILABILITY OF MAP.—The map referred to in  
 11 subsection (a) shall be available for public inspection in  
 12 the appropriate offices of the National Park Service.

## 13 **Subtitle F—Other Matters**

### 14 **SEC. 2861. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF** 15 **MILITARY MEMORIALS.**

16 (a) AUTHORITY.—Chapter 21 of title 36, United  
 17 States Code, is amended by adding at the end the fol-  
 18 lowing new section:

#### 19 **“§ 2115. Inclusion of religious symbols as part of mili-** 20 **tary memorials**

21 “(a) INCLUSION OF RELIGIOUS SYMBOLS AUTHOR-  
 22 IZED.—To recognize the religious background of members  
 23 of the United States Armed Forces, religious symbols may  
 24 be included as part of—

1 “(1) a military memorial that is established or  
2 acquired by the United States Government; or

3 “(2) a military memorial that is not established  
4 by the United States Government, but for which the  
5 American Battle Monuments Commission cooperated  
6 in the establishment of the memorial.

7 “(b) **MILITARY MEMORIAL DEFINED.**—In this sec-  
8 tion, the term ‘military memorial’ means a memorial or  
9 monument commemorating the service of the United  
10 States Armed Forces. The term includes works of archi-  
11 tecture and art described in section 2105(b) of this title.”.

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

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

15 **SEC. 2862. REDESIGNATION OF THE CENTER FOR HEMI-**  
16 **SPHERIC DEFENSE STUDIES AS THE WILLIAM**  
17 **J. PERRY CENTER FOR HEMISPHERIC DE-**  
18 **FENSE STUDIES.**

19 (a) **REDESIGNATION.**—The Department of Defense  
20 regional center for security studies known as the Center  
21 for Hemispheric Defense Studies is hereby renamed the  
22 “William J. Perry Center for Hemispheric Defense Stud-  
23 ies”.

24 (b) **CONFORMING AMENDMENTS.**—(1) Section 184 of  
25 title 10, United States Code, is amended—

1 (A) in subsection (b)(2)(C), by striking “The  
2 Center for Hemispheric Defense Studies” and in-  
3 serting “The William J. Perry Center for Hemi-  
4 spheric Defense Studies”; and

5 (B) in subsection (f)(5), by striking “the Center  
6 for Hemispheric Defense Studies” and inserting  
7 “the William J. Perry Center for Hemispheric De-  
8 fense Studies”.

9 (2) Section 2611(a)(2)(C) of such title is amended  
10 by striking “The Center for Hemispheric Defense Stud-  
11 ies.” and inserting “The William J. Perry Center for  
12 Hemispheric Defense Studies.”.

13 (c) REFERENCES.—Any reference to the Department  
14 of Defense Center for Hemispheric Defense Studies in any  
15 law, regulation, map, document, record, or other paper of  
16 the United States shall be deemed to be a reference to  
17 the William J. Perry Center for Hemispheric Defense  
18 Studies.

19 **SEC. 2863. SENSE OF CONGRESS REGARDING ESTABLISH-**  
20 **MENT OF MILITARY DIVERS MEMORIAL AT**  
21 **WASHINGTON NAVY YARD.**

22 It is the sense of Congress that the Secretary of the  
23 Navy should provide an appropriate site at the former  
24 Navy Dive School at the Washington Navy Yard for a me-  
25 morial, to be paid for with private funds, to honor the

1 members of the Armed Forces who have served as divers  
2 and whose service in defense of the United States has been  
3 carried out beneath the waters of the world, so long as  
4 the Secretary of the Navy has exclusive authority to ap-  
5 prove the design and site of the memorial.

6 **SEC. 2864. GOLD STAR MOTHERS NATIONAL MONUMENT,**  
7 **ARLINGTON NATIONAL CEMETERY.**

8 (a) ESTABLISHMENT.—The Secretary of the Army  
9 shall permit the Gold Star Mothers National Monument  
10 Foundation (a nonprofit corporation established under the  
11 laws of the District of Columbia) to establish an appro-  
12 priate monument in Arlington National Cemetery or on  
13 Federal land in its environs under the jurisdiction of the  
14 Department of the Army to commemorate the sacrifices  
15 made by mothers, and made by their sons and daughters  
16 who as members of the Armed Forces make the ultimate  
17 sacrifice, in defense of the United States. The monument  
18 shall be known as the “Gold Star Mothers National Monu-  
19 ment”.

20 (b) PAYMENT OF EXPENSES.—The Gold Star Moth-  
21 ers National Monument Foundation shall be solely respon-  
22 sible for acceptance of contributions for, and payment of  
23 the expenses of, the establishment of the monument, and  
24 no Federal funds may be used to pay such expenses.

1 **SEC. 2865. NAMING OF TRAINING AND SUPPORT COMPLEX,**  
2 **FORT BRAGG, NORTH CAROLINA.**

3 (a) NAMING.—The complex located on Fort Bragg,  
4 North Carolina, currently referred to as “Patriot Point”,  
5 shall be known and designated as the “Colonel Robert  
6 Howard Training and Support Complex”.

7 (b) REFERENCES.—Any reference in a law, map, reg-  
8 ulation, document, paper, or other record of the United  
9 States to the complex referred to in subsection (a) shall  
10 be deemed to be a reference to the “Colonel Robert How-  
11 ard Training and Support Complex”.

12 **SEC. 2866. NAMING OF ELECTROCHEMISTRY ENGINEERING**  
13 **FACILITY, NAVAL SUPPORT ACTIVITY CRANE,**  
14 **CRANE, INDIANA.**

15 (a) NAMING.—The electrochemistry engineering facil-  
16 ity on Naval Support Activity Crane, Crane, Indiana, shall  
17 be known and designated as the “John Hostettler Electro-  
18 chemistry Engineering Facility”.

19 (b) REFERENCES.—Any reference in a law, map, reg-  
20 ulation, document, paper, or other record of the United  
21 States to the facility referred to in subsection (a) shall  
22 be deemed to be a reference to the “John Hostettler Elec-  
23 trochemistry Engineering Facility”.



1 **SEC. 2867. RETENTION OF CORE FUNCTIONS OF THE ELEC-**  
2 **TRONIC SYSTEMS CENTER AT HANSCOM AIR**  
3 **FORCE BASE, MASSACHUSETTS.**

4       The Secretary of the Air Force shall retain the core  
5 functions of the Electronic Systems Center at Hanscom  
6 Air Force Base, Massachusetts, with the same integrated  
7 mission elements, responsibilities, and capabilities as ex-  
8 isted as of November 1, 2011, until such time as such  
9 integrated mission elements, responsibilities, and capabili-  
10 ties are modified pursuant to section 2687 of title 10,  
11 United States Code, or a subsequent law providing for the  
12 closure or realignment of military installations in the  
13 United States.

14 **SEC. 2868. RETENTION OF CORE FUNCTIONS OF THE AIR**  
15 **FORCE MATERIEL COMMAND, WRIGHT-PAT-**  
16 **TERSON AIR FORCE BASE, OHIO.**

17       The Secretary of the Air Force shall retain the core  
18 functions of the Air Force Materiel Command that exist  
19 at Wright-Patterson Air Force Base, Ohio, as of Novem-  
20 ber 1, 2011, until such time as such core functions are  
21 modified pursuant to section 2687 of title 10, United  
22 States Code, or a subsequent law providing for the closure  
23 or realignment of military installations in the United  
24 States.

1 **SEC. 2869. MASSACHUSETTS INSTITUTE OF TECHNOLOGY—**  
2 **LINCOLN LABORATORY IMPROVEMENT**  
3 **PROJECT.**

4 (a) IMPROVEMENT AND MODERNIZATION  
5 PROJECT.—The Secretary of the Air Force may enter into  
6 discussions with the Massachusetts Institute of Tech-  
7 nology for a project to improve and modernize the Lincoln  
8 Laboratory complex at Hanscom Air Force Base, Massa-  
9 chusetts. The project may include modifications and addi-  
10 tions to research laboratories, office spaces, and sup-  
11 porting facilities necessary to carry out the mission of the  
12 Lincoln Laboratory as a Federally Funded Research and  
13 Development Center (in this section referred to as  
14 “FFRDC”). Supporting facilities under the project may  
15 include infrastructure for utilities.

16 (b) USE OF FACILITIES.—The right of the Massachu-  
17 setts Institute of Technology to use such facilities and  
18 equipment shall be as provided by the FFRDC Sponsoring  
19 Agreement and FFRDC contract between the Department  
20 of Defense and the Massachusetts Institute of Technology.

21 (c) RULE OF CONSTRUCTION REGARDING CON-  
22 STRUCTION AUTHORITY.—Nothing in this section shall be  
23 construed to authorize the Secretary of the Air Force to  
24 carry out a construction project at Hanscom Air Force  
25 Base, Massachusetts, unless such project is otherwise au-  
26 thorized by law.

1 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
 2 Secretary may require such additional terms and condi-  
 3 tions in the FFRDC Sponsoring Agreement and the  
 4 FFRDC contract as the Secretary of the Air Force con-  
 5 siders appropriate to protect the interests of the United  
 6 States.

7 **SEC. 2870. LIMITATION ON AVAILABILITY OF FUNDS PEND-**  
 8 **ING REPORT REGARDING ACQUISITION OF**  
 9 **LAND AND DEVELOPMENT OF A TRAINING**  
 10 **RANGE FACILITY ADJACENT TO THE MARINE**  
 11 **CORPS GROUND AIR COMBAT CENTER TWEN-**  
 12 **TY NINE PALMS, CALIFORNIA.**

13 (a) FINDINGS.—Congress makes the following find-  
 14 ings:

15 (1) The Marine Corps has studied the feasi-  
 16 bility of acquiring land and developing a training  
 17 range facility to conduct Marine Expeditionary Bri-  
 18 gade level live-fire training on or near the West  
 19 Coast.

20 (2) The Bureau of Land management estimates  
 21 on national economic impact show \$261.5 million in  
 22 commerce at risk.

23 (3) Economic impact on the local community is  
 24 estimated to be \$71.1 million.

25 (b) LIMITATION OF FUNDS PENDING REPORT.—

1           (1) IN GENERAL.—The Secretary of the Navy  
2       may not obligate or expend funds for the transfer of  
3       land or development of a new training range on land  
4       adjacent to the Marine Corps Ground Air Combat  
5       Center Twenty Nine Palms, California until the Sec-  
6       retary of the Navy has provided the Congressional  
7       defense committees a report on the Marine Corps’  
8       efforts with respect to the proposed training range.

9           (2) ELEMENTS OF REPORT.—The report re-  
10      quired under paragraph (1) shall be submitted not  
11      later than 90 days after the date of enactment of  
12      this Act and shall include the following:

13           (A) A description of the actual training re-  
14      quirements for the proposed range and where  
15      those training requirements are currently being  
16      met to support combat deployments.

17           (B) Identify the impact on off-road vehicle  
18      recreational users of the land, the economic im-  
19      pact on the local economy, the recreation indus-  
20      try, and any other stakeholders.

21           (C) Identify any concerns discussed with  
22      the Bureau of Land Management regarding  
23      their assessments of the impact on other users.

24           (D) Identify the impact on the State of  
25      California’s 1980 Desert Conservation plan re-

1           garding allocation of the Off Highway Vehicle  
2           Recreation Areas.

3           (E) The potential to use the same land  
4           without transfer, but under specific permits for  
5           use provided by the (such as agreements at  
6           other locations under permit from the Forest  
7           Service and Bureau of Land Management).

8           (F) Any potential on other Bureau of  
9           Land Management lands proximate to the Ma-  
10          rine Corps Ground Air Combat Center Twenty  
11          Nine Palms or other locations in the geographic  
12          region.

13          (3) SECRETARY OF DEFENSE WAIVER.—In the  
14          event of urgent national need, the Secretary of De-  
15          fense may notify the Congressional Committees and  
16          waive the requirement for this report.

17   **SEC. 2871. RETENTION OF CORE FUNCTIONS OF THE AIR**

18                   **TRAFFIC CONTROL STATION, JOHNSTOWN**

19                   **AIR NATIONAL GUARD BASE, PENNSYLVANIA.**

20          The Secretary of the Air Force shall retain the core  
21          functions of the Air Traffic Control Station at Johnstown  
22          Air National Guard Base, Pennsylvania, with the same in-  
23          tegrated mission elements, responsibilities, and capabili-  
24          ties as existed as of November 1, 2011, until such time  
25          as such integrated mission elements, responsibilities, and

1 capabilities are modified pursuant to section 2687 of title  
2 10, United States Code, or a subsequent law providing for  
3 the closure or realignment of military installations in the  
4 United States.

5 **SEC. 2872. MODIFICATION OF NOTICE REQUIREMENTS IN**  
6 **ADVANCE OF PERMANENT REDUCTION OF**  
7 **SIZABLE NUMBERS OF MEMBERS OF THE**  
8 **ARMED FORCES AT MILITARY INSTALLA-**  
9 **TIONS.**

10 (a) CALCULATION OF NUMBER OF AFFECTED MEM-  
11 BERS.—Subsection (a) of section 993 of title 10, United  
12 States Code, is amended by adding at the end the fol-  
13 lowing new sentence: “In calculating the number of mem-  
14 bers to be reduced, the Secretary shall take into consider-  
15 ation both direct reductions and indirect reductions.”.

16 (b) NOTICE REQUIREMENTS.—Subsection (b) of such  
17 section is amended by striking paragraphs (1) and (2) and  
18 inserting the following new paragraphs:

19 “(1) the Secretary of Defense or the Secretary  
20 of the military department concerned—

21 “(A) submits to Congress a notice of the  
22 proposed reduction and the number of military  
23 and civilian personnel assignments affected, in-  
24 cluding reductions in base operations support

1 services and personnel to occur because of the  
2 proposed reduction; and

3 “(B) includes in the notice a justification  
4 for the reduction and an evaluation of the costs  
5 and benefits of the reduction and of the local  
6 economic, environmental, strategic, and oper-  
7 ational consequences of the reduction; and

8 “(2) a period of 90 days expires following the  
9 day on which the notice is submitted to Congress.”.

10 (c) TIME AND FORM OF SUBMISSION OF NOTICE.—

11 Such section is further amended—

12 (1) by redesignating subsection (c) as sub-  
13 section (d); and

14 (2) by inserting after subsection (b) the fol-  
15 lowing new subsection:

16 “(c) TIME AND FORM OF SUBMISSION OF NOTICE.—

17 The notice required by subsections (a) and (b) may be sub-  
18 mitted to Congress only as part of the budget justification  
19 materials submitted by the Secretary of Defense to Con-  
20 gress in support of the budget for a fiscal year submitted  
21 under section 1105 of title 31.”.

22 (d) DEFINITIONS.—Such section is further amended  
23 by adding at the end the following new subsection:

24 “(e) DEFINITIONS.—In this section:

1           “(1) The term ‘direct reduction’ means a reduc-  
2           tion involving one or more members of a unit.

3           “(2) The term ‘indirect reduction’ means subse-  
4           quent planned reductions or relocations in base oper-  
5           ations support services and personnel able to occur  
6           due to the direct reductions.

7           “(3) The term ‘military installation’ means a  
8           base, camp, post, station, yard, center, homeport fa-  
9           cility for any ship, or other activity under the juris-  
10          diction of the Department of Defense, including any  
11          leased facility, which is located within any of the  
12          several States, the District of Columbia, the Com-  
13          monwealth of Puerto Rico, American Samoa, the  
14          Virgin Islands, the Commonwealth of the Northern  
15          Mariana Islands, or Guam. Such term does not in-  
16          clude any facility used primarily for civil works, riv-  
17          ers and harbors projects, or flood control projects.

18          “(4) The term ‘unit’ means a unit of the armed  
19          forces at the battalion, squadron, or an equivalent  
20          level (or a higher level).”.



1 **TITLE XXIX—OVERSEAS CONTIN-**  
 2 **GENCY OPERATIONS MILI-**  
 3 **TARY CONSTRUCTION**

4 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
 5 **ACQUISITION PROJECTS.**

6 (a) OUTSIDE THE UNITED STATES.—The Secretary  
 7 of the Navy may acquire real property and carry out mili-  
 8 tary construction projects for the installations or locations  
 9 outside the United States, and in the amounts, set forth  
 10 in the following table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
SW Asia .....	SW Asia .....	\$51,348,000
Djibouti .....	Camp Lemonier .....	\$99,420,000

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 12 are hereby authorized to be appropriated for fiscal years  
 13 beginning after September 30, 2012, for military con-  
 14 struction projects outside the United States authorized by  
 15 subsection (a) as specified in the funding table in section  
 16 4602.

1 **DIVISION C—DEPARTMENT OF**  
2 **ENERGY NATIONAL SECURITY**  
3 **AUTHORIZATIONS AND**  
4 **OTHER AUTHORIZATIONS**  
5 **TITLE XXXI—DEPARTMENT OF**  
6 **ENERGY NATIONAL SECURITY**  
7 **PROGRAMS**  
8 **Subtitle A—National Security**  
9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
11 **TION.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
13 are hereby authorized to be appropriated to the Depart-  
14 ment of Energy for fiscal year 2013 for the activities of  
15 the National Nuclear Security Administration in carrying  
16 out programs as specified in the funding table in section  
17 4701.

18 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—  
19 From funds referred to in subsection (a) that are available  
20 for carrying out plant projects, the Secretary of Energy  
21 may carry out new plant projects for the National Nuclear  
22 Security Administration as follows:

23 Project 13–D–301, Electrical Infrastruc-  
24 ture Upgrades, Lawrence Livermore National  
25 Laboratory, Livermore, California, and Los Al-

1           amos National Laboratory, Los Alamos, New  
2           Mexico, \$23,000,000.

3           Project 13–D–905, Remote-Handled Low-  
4           Level Waste Disposal Project, Idaho National  
5           Laboratory, \$8,890,000.

6           Project 13–D–904, Kesselring Site Radio-  
7           logical Work and Storage Building, Kesselring  
8           Site, West Milton, New York, \$2,000,000.

9           Project 13–D–903, Kesselring Site Proto-  
10          type Staff Building, Kesselring Site, West Mil-  
11          ton, New York, \$14,000,000.

12 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

13          Funds are hereby authorized to be appropriated to  
14          the Department of Energy for fiscal year 2013 for defense  
15          environmental cleanup activities in carrying out programs  
16          as specified in the funding table in section 4701.

17 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

18          Funds are hereby authorized to be appropriated to  
19          the Department of Energy for fiscal year 2013 for other  
20          defense activities in carrying out programs as specified in  
21          the funding table in section 4701.

22 **SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

23          Funds are hereby authorized to be appropriated to  
24          the Department of Energy for fiscal year 2013 for energy

1 security and assurance programs necessary for national  
2 security as specified in the funding table in section 4701.

3 **Subtitle B—Program Authoriza-**  
4 **tions, Restrictions, and Limita-**  
5 **tions**

6 **SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OF-**  
7 **FICE OF THE ADMINISTRATOR.**

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

9 (1) IN GENERAL.—The National Nuclear Secu-  
10 rity Administration Act (50 U.S.C. 2401 et seq.) is  
11 amended by inserting after section 3241 the fol-  
12 lowing new section:

13 **“SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OF-**  
14 **FICE OF THE ADMINISTRATOR.**

15 “(a) FULL-TIME EQUIVALENT PERSONNEL LEV-  
16 ELS.—(1) Beginning 180 days after the date of the enact-  
17 ment of this section, the total number of employees of the  
18 Office of the Administrator of the Administration may not  
19 exceed 1,730.

20 “(2) Beginning October 1, 2014, the total number  
21 of employees of the Office of the Administrator may not  
22 exceed 1,630.

23 “(b) COUNTING RULE.—(1) A determination of the  
24 number of employees in the Office of the Administrator

1 under subsection (a) shall be expressed on a full-time  
2 equivalent basis.

3 “(2) Except as provided by paragraph (3), in deter-  
4 mining the total number of employees in the Office of the  
5 Administrator under subsection (a), the Administrator  
6 shall count each employee of the Office without regard to  
7 whether the employee is located at the headquarters of the  
8 Administration, a site office of the Administration, a serv-  
9 ice or support center of the Administration, or any other  
10 location.

11 “(3) The following employees may not be counted for  
12 purposes of determining the total number of employees in  
13 the Office of the Administrator under subsection (a):

14 “(A) Employees of the Office of Naval Reac-  
15 tors.

16 “(B) Employees of the Office of Secure Trans-  
17 portation.

18 “(C) Members of the Armed Forces detailed to  
19 the Administration.

20 “(c) VOLUNTARY EARLY RETIREMENT.—In accord-  
21 ance with section 3523 of title 5, United States Code, the  
22 Administrator may offer voluntary separation or retire-  
23 ment incentives to meet the total number of employees au-  
24 thorized under subsection (a).

1       “(d) WORK PLACEMENT PROGRAM.—The Adminis-  
 2       trator shall establish a work placement program to assist  
 3       employees of the Administration who are separated from  
 4       service pursuant to this section find new employment.”.

5               (2) CLERICAL AMENDMENT.—The table of con-  
 6       tents at the beginning of the National Nuclear Secu-  
 7       rity Administration Act is amended by inserting  
 8       after the item relating to section 3241 the following  
 9       new item:

“Sec. 3241A. Authorized personnel levels of the Office of the Administrator.”.

10       (b) INCREASE IN EXCEPTED POSITIONS.—Section  
 11       3241 of the National Nuclear Security Administration Act  
 12       (50 U.S.C. 2441) is amended by striking “300” and in-  
 13       serting “450”.

14       (c) REPORTS.—

15               (1) REPORT.—Not later than 180 days after  
 16       the date of the enactment of this Act, the Adminis-  
 17       trator for Nuclear Security shall submit to the con-  
 18       gressional defense committees a report—

19                       (A) describing the criteria and processes  
 20                       used to implement the personnel levels required  
 21                       by section 3241A of the National Nuclear Secu-  
 22                       rity Administration Act, as added by subsection  
 23                       (a);

24                       (B) detailing the realized and expected cost  
 25                       savings within the Office of the Administrator

1 and the nuclear security enterprise resulting  
2 from such personnel reductions and the transi-  
3 tion to performance-based governance, manage-  
4 ment, and oversight pursuant to section 3265  
5 of such Act, as added by section 3113;

6 (C) describing any impacts such personnel  
7 reductions have had or will have on the ability  
8 of the Administration to perform the mission of  
9 the Administration safely, securely, effectively,  
10 and efficiently;

11 (D) assessing various levels of further per-  
12 sonnel reductions, including reductions of 10  
13 percent, 15 percent, and 50 percent, on the  
14 ability of the Administration to perform the  
15 mission of the Administration safely, securely,  
16 effectively, and efficiently;

17 (E) recommending any further efficiencies  
18 and personnel reductions that should be made  
19 as a result of such transition pursuant to such  
20 section 3265, including an implementation plan  
21 and schedule for achieving such efficiencies and  
22 reductions; and

23 (F) assessing the salary and wage struc-  
24 ture of the Office of the Administrator and the  
25 management and operating contractors of the

1 nuclear security enterprise, as well as the status  
2 and effectiveness of contractor assurance sys-  
3 tems across the nuclear security enterprise.

4 (2) ASSESSMENT.—Not later than 180 days  
5 after the date on which the report under paragraph  
6 (1) is submitted, the Comptroller General of the  
7 United States shall submit to the congressional de-  
8 fense committees an assessment of such report.

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

10 Section 3251(b) of the National Nuclear Security Ad-  
11 ministration Act (50 U.S.C. 2451) is amended—

12 (1) by striking “In the” and inserting “(1) In  
13 the”; and

14 (2) by adding at the end the following new  
15 paragraph:

16 “(2) In the budget justification materials submitted  
17 to Congress in support of each such budget, the Adminis-  
18 trator shall include an assessment of how the budget  
19 maintains the core nuclear weapons skills of the Adminis-  
20 tration, including nuclear weapons design, engineering,  
21 production, testing, and prediction of stockpile aging.”.

22 **SEC. 3113. CONTRACTOR GOVERNANCE, OVERSIGHT, AND**  
23 **ACCOUNTABILITY.**

24 (a) OVERSIGHT OF CONTRACTORS.—



1           (1) IN GENERAL.—The National Nuclear Secu-  
2       rity Administration Act (50 U.S.C. 2401 et seq.) is  
3       amended by adding after section 3264 the following  
4       new section:

5       **“SEC. 3265. CONTRACTOR GOVERNANCE, OVERSIGHT, AND**  
6               **ACCOUNTABILITY.**

7       “(a) PERFORMANCE-BASED CONTRACTOR GOVERN-  
8       ANCE, MANAGEMENT, AND OVERSIGHT.—(1) The Admin-  
9       istrator shall establish a system of governance, manage-  
10      ment, and oversight of covered contractors.

11      “(2) The system established under paragraph (1)  
12      shall—

13           “(A) include clear, consistent, and auditable  
14      performance-based standards relating to the mission  
15      effectiveness and operations of a covered contractor;

16           “(B) ensure that the governance, management,  
17      and oversight of the mission effectiveness and oper-  
18      ations of a covered contractor is conducted pursuant  
19      to national and international standards and best  
20      practices;

21           “(C) recognize the respective roles of—

22               “(i) the Federal Government in deter-  
23      mining the performance-based standards with  
24      respect to high-level mission and operations per-  
25      formance objectives; and

1           “(ii) a covered contractor, particularly a  
2           contractor that is a federally funded research  
3           and development corporation, in determining  
4           how to accomplish such objectives;

5           “(D) conduct oversight based on outcomes and  
6           performance-based standards rather than detailed,  
7           transaction-based oversight; and

8           “(E) include appropriate measures to ensure  
9           that the Administrator has accurate and consistent  
10          data and information to manage and make decisions  
11          with respect to the nuclear security enterprise.

12          “(3)(A) The Administrator may exempt individual  
13          areas of governance, management, and oversight from the  
14          requirements of the system established under paragraph  
15          (1) and continue to conduct transaction-based oversight  
16          if the Administrator determines that such exemption is  
17          necessary to ensure the national security or the safety, se-  
18          curity, or performance of the Administration.

19          “(B) If the Administrator makes an exemption under  
20          subparagraph (A), the Administrator shall annually sub-  
21          mit to the congressional defense committees a certification  
22          for each such exemption, including a description of why  
23          such exemption is needed.

24          “(C) During the three-year period beginning on the  
25          date of the enactment of this section, the Administrator

1 may temporarily exempt individual facilities or contractors  
2 from the system established under paragraph (1) and con-  
3 tinue to conduct transaction-based oversight if the Admin-  
4 istrator determines that such exemption is needed to en-  
5 sure that robust contractor assurance, accountability, and  
6 performance-based oversight mechanisms are in place for  
7 such facility or contractor.

8 “(D) If the Administrator makes an exemption under  
9 subparagraph (C), the Administrator shall annually sub-  
10 mit to the congressional defense committees a written jus-  
11 tification for such exemption and a plan and schedule to  
12 transition the exempted facility or contractor to the sys-  
13 tem established under paragraph (1).

14 “(b) CONTRACTOR ACCOUNTABILITY.—The Adminis-  
15 trator shall—

16 “(1) ensure that each management and oper-  
17 ating contract includes robust mechanisms to ensure  
18 the accountability of a covered contractor; and

19 “(2) exercise such mechanisms as the Adminis-  
20 trator determines appropriate to ensure the perform-  
21 ance of the covered contractor.

22 “(c) DEFINITIONS.—In this section:

23 “(1) The term ‘covered contractor’ means a  
24 contractor who enters into a management and oper-  
25 ating contract.

1           “(2) The term ‘management and operating con-  
2           tract’ means a contract entered into by the Adminis-  
3           trator and a contractor to manage and operate a  
4           Government-owned, contractor-operated facility.

5           “(3) The term ‘performance-based standards’,  
6           with respect to a covered contract, means that the  
7           contract includes the use of performance work state-  
8           ments that set forth contract requirements in clear,  
9           specific, and objective terms with measurable out-  
10          comes.”.

11           (2) CLERICAL AMENDMENT.—The table of con-  
12          tents at the beginning of the National Nuclear Secu-  
13          rity Administration Act is amended by inserting  
14          after the item relating to section 3264 the following  
15          new item:

“Sec. 3265. Contractor governance, oversight, and accountability.”.

16          (b) REPORTS.—Not later than January 15, 2013,  
17          and each year thereafter through 2016, the Administrator  
18          shall submit to the congressional defense committees a re-  
19          port that includes—

20                (1) a description of each instance during the  
21                previous calendar year in which the Administrator,  
22                or any other head of an agency of the Federal Gov-  
23                ernment, used a procedure, standard, or process for  
24                governance, management, and oversight of a covered  
25                contract (as defined in section 3265(d)(1) of the Na-

1 tional Nuclear Security Administration Act, as  
 2 added by subsection (a)(1)) that is not a procedure,  
 3 standard, or process that conforms to national or  
 4 international standards or industry best practices;

5 (2) an explanation of why such procedure,  
 6 standard, or process was used during such year and  
 7 any steps that will be taken by the Administrator or  
 8 other head of an agency, as the case may be, in fu-  
 9 ture years to instead use a procedure, standard, or  
 10 process that conforms to national or international  
 11 standards or industry best practices; and

12 (3) a description of any oversight activities by  
 13 any agency of the Federal Government that occurred  
 14 during the previous calendar year that the Adminis-  
 15 trator considers duplicative or unnecessary.

16 **SEC. 3114. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 17 **TION COUNCIL.**

18 (a) NNSA COUNCIL.—Section 4102 of the Atomic  
 19 Energy Defense Act (50 U.S.C. 2512) is amended to read  
 20 as follows:

21 **“SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SE-**  
 22 **CURITY ENTERPRISE.**

23 “(a) IN GENERAL.—The Administrator shall estab-  
 24 lish a management structure for the nuclear security en-

1 terprise in accordance with the National Nuclear Security  
2 Administration Act (50 U.S.C. 2401 et seq.).

3 “(b) NATIONAL NUCLEAR SECURITY ADMINISTRA-  
4 TION COUNCIL.—(1) The Administrator shall establish a  
5 council to be known as the ‘National Nuclear Security Ad-  
6 ministration Council’. The Council may advise the Admin-  
7 istrator on scientific and technical issues relating to policy  
8 matters, operational concerns, strategic planning, and the  
9 development of priorities relating to the mission and oper-  
10 ations of the Administration and the nuclear security en-  
11 terprise.

12 “(2) The Council shall be composed of the directors  
13 of the national security laboratories and the nuclear weap-  
14 ons production facilities.

15 “(3) The Council may provide the Administrator or  
16 the Secretary of Energy recommendations for improving  
17 the—

18 “(A) governance, management, effectiveness,  
19 and efficiency of the Administration; and

20 “(B) any other matter in accordance with para-  
21 graph (1).

22 “(4) Not later than 60 days after the date on which  
23 any recommendation under paragraph (3) is received, the  
24 Administrator or the Secretary, as the case may be, shall  
25 respond to the Council with respect to whether such rec-

ommendation 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 Ad-

1 administrator of any significant problem, abuse, violation of  
2 law or Executive order, or deficiency relating to the—

3 “(1) protection of the special nuclear material  
4 and other sensitive physical assets of the Adminis-  
5 tration; and

6 “(2) management of classified information by  
7 personnel of the Administration.”.

8 (2) CLERICAL AMENDMENT.—The table of con-  
9 tents at the beginning of the National Nuclear Secu-  
10 rity Administration Act is amended by striking the  
11 item relating to section 3231 and inserting the fol-  
12 lowing new item:

“Sec. 3231. Protection of special nuclear material and national security infor-  
mation.”.

13 (b) HEALTH AND SAFETY.—

14 (1) IN GENERAL.—Section 3261 of the Na-  
15 tional Nuclear Security Administration Act (50  
16 U.S.C. 2461) is amended—

17 (A) in subsection (a), by striking “The Ad-  
18 ministrator” and inserting “In accordance with  
19 subsections (c) and (d), the Administrator”;

20 (B) by striking subsection (c);

21 (C) by adding at the end the following new  
22 subsection:

23 “(c) NON-NUCLEAR HEALTH AND SAFETY.—(1) In  
24 carrying out this section with respect to non-nuclear oper-



1 ations, the Administrator shall ensure that the Adminis-  
2 tration complies with all applicable occupational safety  
3 and health standards promulgated under the Occupational  
4 Safety and Health Act of 1970 (29 U.S.C. 655) that are  
5 administered by the Secretary of Labor.

6 “(2) With respect to complying with the occupational  
7 safety and health standards under paragraph (1), and con-  
8 ducting oversight of such occupational safety and health  
9 standards, the Administrator shall ensure that such com-  
10 plying and oversight by the Administration is conducted—

11 “(A) in accordance with best industry and Gov-  
12 ernment practices for meeting such standards; and

13 “(B) in accordance with the performance-based  
14 system of governance, management, and oversight  
15 established under section 3265, notwithstanding the  
16 exemption authority under subsection (a)(3) of such  
17 section.

18 “(3) Except as provided by paragraph (4), the Ad-  
19 ministrator may not establish or prescribe any order, rule,  
20 or regulation regarding occupational safety and health un-  
21 less such order, rule, or regulation is pursuant to an occu-  
22 pational safety and health standard described in para-  
23 graph (1).

24 “(4)(A) In carrying out paragraph (3)—

1           “(i) the Administrator may waive the require-  
2           ment under such paragraph for any type of high  
3           hazard operations if the Administrator determines  
4           that such waiver is necessary to ensure safety; and

5           “(ii) the Administrator shall waive such require-  
6           ments for operations involving beryllium.

7           “(B) The Administrator shall submit an annual cer-  
8           tification to the congressional defense committees regard-  
9           ing why any such waivers made under subparagraph (A)  
10          are required to ensure safety.”; and

11                   (D) by adding after subsection (c), as  
12                   added by subparagraph (C), the following new  
13                   subsection:

14           “(d) NUCLEAR HEALTH AND SAFETY.—(1) In car-  
15           rying out this section with respect to nuclear operations,  
16           the Administrator shall prescribe appropriate policies and  
17           regulations to ensure the adequate protection of the health  
18           and safety of the employees of the Administration, con-  
19           tractors of the Administration, and the public. Such poli-  
20           cies and regulations shall be based upon risk whenever suf-  
21           ficient data exists.

22           “(2) With respect to prescribing and complying with  
23           the policies and regulations under paragraph (1), and con-  
24           ducting oversight of such policies and regulations by the  
25           Administration, the Administrator shall ensure that such

1 prescribing, complying, and oversight is conducted in ac-  
2 cordance with the performance-based system of govern-  
3 ance, management, and oversight established under sec-  
4 tion 3265, notwithstanding the exemption authority under  
5 subsection (a)(3) of such section.

6 “(3) CONSTRUCTION.—Nothing in this subsection  
7 shall be construed to cause a reduction in nuclear safety  
8 standards.”.

9 (2) NUCLEAR HEALTH AND SAFETY EFFECTIVE  
10 DATE.—The amendment made by paragraph (1)(D)  
11 shall take effect October 1, 2013.

12 (c) REPORT ON AUTHORITY FOR NUCLEAR SAFE-  
13 TY.—Not later than March 1, 2013, the Administrator  
14 shall submit to the congressional defense committees a re-  
15 port that includes—

16 (1) an implementation plan describing the ac-  
17 tions needed to fully transition the policy, regu-  
18 latory, and oversight authority for the nuclear safety  
19 of the nuclear security enterprise from the Depart-  
20 ment of Energy to the Administration; and

21 (2) a description of the costs and benefits of  
22 such a transition.

1 **SEC. 3116. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**  
2 **WEAPONS.**

3 (a) PROTOTYPES.—The Atomic Energy Defense Act  
4 (50 U.S.C. 2501 et seq.) is amended by inserting after  
5 section 4508 the following new section:

6 **“SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**  
7 **WEAPONS FOR INTELLIGENCE PURPOSES.**

8 “(a) PROTOTYPES.—The Administrator shall develop  
9 and carry out a plan for the national security laboratories  
10 and nuclear weapons production plants to design and build  
11 prototypes of nuclear weapons to further intelligence esti-  
12 mates with respect to foreign nuclear weapons activities.

13 “(b) PROHIBITION ON PRODUCTION OF NUCLEAR  
14 YIELDS.—In carrying out subsection (a), the Adminis-  
15 trator may not conduct any experiments that produce a  
16 nuclear yield.”.

17 (b) CLERICAL AMENDMENT.—The table of contents  
18 at the beginning of the Atomic Energy Defense Act is  
19 amended by inserting after the item relating to section  
20 4508 the following new item:

“Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence  
purposes.”.

1 **SEC. 3117. IMPROVEMENT AND STREAMLINING OF THE MIS-**  
2 **SIONS AND OPERATIONS OF THE DEPART-**  
3 **MENT OF ENERGY AND NATIONAL NUCLEAR**  
4 **SECURITY ADMINISTRATION.**

5 (a) IN GENERAL.—Not later than 90 days after the  
6 date of the enactment of this Act, the Secretary of Energy  
7 and the Administrator for Nuclear Security, in coordina-  
8 tion with the Secretary of Defense and other officials, as  
9 the Secretary of Energy and the Administrator consider  
10 appropriate, shall revise the Department of Energy Acqui-  
11 sition Regulation and other regulations, rules, directives,  
12 orders, and policies that apply to the administration, exe-  
13 cution, and oversight of the missions and operations of  
14 the Department of Energy and the National Nuclear Se-  
15 curity Administration to improve and streamline such ad-  
16 ministration, execution, and oversight.

17 (b) IMPROVEMENT AND STREAMLINING.—In carrying  
18 out subsection (a), the Secretary of Energy and the Ad-  
19 ministrator for Nuclear Security shall—

20 (1) streamline business processes and struc-  
21 tures to reduce unnecessary, burdensome, or dupli-  
22 cative approvals;

23 (2) delegate approval for work for others agree-  
24 ments and cooperative research and development  
25 agreements (except those that the Secretary or Ad-  
26 ministrator determine are high value or unique) to

1 the management and operating contractors of a Gov-  
2 ernment-owned, contractor-operated facility of the  
3 Department or Administration and hold such con-  
4 tractors accountable for maintaining appropriate  
5 portfolios with respect to such agreements;

6 (3) establish processes for ensuring routine or  
7 low-risk procurement and subcontracting decisions  
8 are made at the discretion of the management and  
9 operating contractors while ensuring that the Sec-  
10 retary or Administrator apply appropriate oversight;

11 (4) assess procurement thresholds as of the  
12 date of the enactment of this Act and take steps as  
13 appropriate to adjust such thresholds;

14 (5) eliminate duplicative or low-value reports  
15 and data calls and ensure consistency in manage-  
16 ment and cost accounting data; and

17 (6) otherwise streamline, clarify, and eliminate  
18 redundancy in the regulations, rules, directives, or-  
19 ders, and policies described by subsection (a).

20 (c) BRIEFING.—

21 (1) IN GENERAL.—Not later than 120 days  
22 after the date of the enactment of this Act, the Sec-  
23 retary and the Administrator shall provide to the ap-  
24 propriate congressional committees a briefing on the

1 regulations, rules, directives, orders, and policies im-  
2 proved and streamlined pursuant to subsection (a).

3 (2) APPROPRIATE COMMITTEES DEFINED.—In  
4 this subsection, the term “appropriate congressional  
5 committees” means—

6 (A) the congressional defense committees;  
7 and

8 (B) the Committee on Energy and Natural  
9 Resources of the Senate and the Committee on  
10 Energy and Commerce of the House of Rep-  
11 resentatives.

12 **SEC. 3118. COST-BENEFIT ANALYSES FOR COMPETITION OF**  
13 **MANAGEMENT AND OPERATING CONTRACTS.**

14 (a) LIMITATION.—The Administrator for Nuclear Se-  
15 curity may not release a final request for proposal for com-  
16 petition of any contract to manage and operate a facility  
17 of the National Nuclear Security Administration until the  
18 date on which the Administrator submits to the congres-  
19 sional defense committees a report described in subsection  
20 (b).

21 (b) REPORT DESCRIBED.—A report described in this  
22 subsection is a report on a request for proposal for com-  
23 petition described in subsection (a) that includes—

24 (1) the expected cost savings resulting from the  
25 competition over the life of the contract;

1           (2) the costs of the competition, including im-  
2       mediate costs of conducting the competition and any  
3       increased costs over the life of the contract;

4           (3) a description of—

5               (A) any disruption or delay in mission ac-  
6       tivities or deliverables resulting from the com-  
7       petition; and

8               (B) any benefits of the proposed competi-  
9       tion to mission performance or operations;

10          (4) how the competition complies with the Fed-  
11       eral Acquisition Regulation regarding federally fund-  
12       ed research and development centers, if applicable;  
13       and

14          (5) any other matters the Administrator con-  
15       siders appropriate.

16       (c) GAO REVIEW.—Not later than 90 days after each  
17       report is submitted to the congressional defense commit-  
18       tees under subsection (a) or (d)(2), the Comptroller Gen-  
19       eral of the United States shall submit to such committees  
20       a review of such report.

21       (d) APPLICABILITY.—

22           (1) IN GENERAL.—The limitation in subsection  
23       (a) shall apply with respect to a request for proposal  
24       described by such subsection that is released by the



1 Administrator for Nuclear Security during fiscal  
2 years 2012 through 2017.

3 (2) FISCAL YEAR 2012 RFPS.—For each request  
4 for proposal described by subsection (a) that is re-  
5 leased by the Administrator during fiscal year 2012  
6 before the date of the enactment of this Act, the Ad-  
7 ministrator shall submit to the congressional defense  
8 committees a report described in subsection (b) by  
9 not later than 90 days after the date of such enact-  
10 ment.

11 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
12 **INERTIAL CONFINEMENT FUSION IGNITION**  
13 **AND HIGH YIELD CAMPAIGN.**

14 (a) LIMITATION.—Except as provided in subsection  
15 (b), of the funds authorized to be appropriated by this Act  
16 or otherwise made available for fiscal year 2013 for fusion  
17 ignition under the Inertial Confinement Fusion Ignition  
18 and High Yield Campaign, not more than 50 percent may  
19 be obligated or expended until the date on which—

20 (1) the Administrator for Nuclear Security cer-  
21 tifies to the congressional defense committees that  
22 fusion ignition has been achieved at the National Ig-  
23 nition Facility at Lawrence Livermore National Lab-  
24 oratory; or

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

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

6                   (B) a plan and schedule for reevaluating  
7       the ignition program and incorporating experi-  
8       mental data into computer models;

9                   (C) the best judgment of the Administrator  
10      with respect to whether ignition can be achieved  
11      at the National Ignition Facility, as designed on  
12      the date of the report; and

13                  (D) if funding being spent on ignition re-  
14      search as of the date of the report were applied  
15      to life extension programs—

16                          (i) a description of such programs  
17                          that could be accelerated or otherwise im-  
18                          proved; and

19                          (ii) how such funding changes would  
20                          affect the stockpile stewardship program.

21      (b) EXCEPTION.—The limitation in subsection (a)  
22      shall not apply to the Z machine at Sandia National Lab-  
23      oratories or the Omega laser system at the University of  
24      Rochester.

1 **SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
2 **GLOBAL SECURITY THROUGH SCIENCE PART-**  
3 **NERSHIPS PROGRAM.**

4 (a) LIMITATION.—Of the funds authorized to be ap-  
5 propriated by this Act or otherwise made available for fis-  
6 cal year 2013 for the National Nuclear Security Adminis-  
7 tration, not more than \$8,000,000 may be obligated or  
8 expended for the Global Security through Science Partner-  
9 ships Program, formerly known as the Global Initiatives  
10 for Proliferation Prevention Program, until the date on  
11 which the Secretary of Energy submits to the appropriate  
12 congressional committees the report under subsection (b).

13 (b) REPORT.—The Secretary of Energy shall submit  
14 to the appropriate congressional committees a report with  
15 a plan to complete the Global Security through Science  
16 Partnerships Program by the end of calendar year 2015  
17 or with a detailed justification on the continued threat and  
18 how the continuation of the program would effectively ad-  
19 dress such threat.

20 (c) FORM.—The report under subsection (b) may be  
21 submitted in unclassified form and may include a classi-  
22 fied annex.

23 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
24 DEFINED.—In this section, the term “appropriate con-  
25 gressional committees” means—

1 (1) the Committee on Armed Services and the  
2 Committee on Foreign Affairs of the House of Rep-  
3 resentatives; and

4 (2) the Committee on Armed Services and the  
5 Committee on Foreign Relations of the Senate.

6 **SEC. 3121. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
7 **CENTER OF EXCELLENCE ON NUCLEAR SECU-**  
8 **RITY.**

9 (a) LIMITATION.—Of the funds authorized to be ap-  
10 propriated by this Act or otherwise made available for fis-  
11 cal year 2013 for the National Nuclear Security Adminis-  
12 tration, not more than \$7,000,000 may be obligated or  
13 expended for the United States-China Center of Excel-  
14 lence on Nuclear Security until the date on which the Sec-  
15 retary of Energy submits to the appropriate congressional  
16 committees the report under subsection (b)(2).

17 (b) NUCLEAR SECURITY.—

18 (1) REVIEW.—The Secretary of Energy, in co-  
19 ordination with the Secretary of Defense, shall con-  
20 duct a review of the existing and planned non-pro-  
21 liferation activities with the People's Republic of  
22 China as of the date of the enactment of this Act  
23 to determine if the engagement is directly or indi-  
24 rectly supporting the proliferation of nuclear weap-  
25 ons development and technology to other nations.

1           (2) REPORT.—Not later than 90 days after the  
2       date of the enactment of this Act, the Secretary of  
3       Energy shall submit to the appropriate congressional  
4       committees a report certifying that the activities re-  
5       viewed under paragraph (1) are not contributing to  
6       the proliferation of nuclear weapons development  
7       and technology to other nations.

8       (c) FORM.—The report under subsection (b)(2) may  
9       be submitted in unclassified form and may include a clas-  
10      sified annex.

11      (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
12      DEFINED.—In this section, the term “appropriate con-  
13      gressional committees” means—

14           (1) the Committee on Armed Services and the  
15       Committee on Foreign Affairs of the House of Rep-  
16       resentatives; and

17           (2) the Committee on Armed Services and the  
18       Committee on Foreign Relations of the Senate.

19      **SEC. 3122. TWO-YEAR EXTENSION OF SCHEDULE FOR DIS-**  
20                      **POSITION OF WEAPONS-USABLE PLUTONIUM**  
21                      **AT SAVANNAH RIVER SITE, AIKEN, SOUTH**  
22                      **CAROLINA.**

23       Section 4306 of the Atomic Energy Defense Act (50  
24      U.S.C. 2566) is amended—

25           (1) in subsection (a)(3)—

1 (A) in subparagraph (C), by striking  
2 “2012” and inserting “2014”; and

3 (B) in subparagraph (D), by striking  
4 “2017” and inserting “2019”;

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking “by Jan-  
7 uary 1, 2012”;

8 (B) in paragraph (4), by striking “2012”  
9 each place it appears and inserting “2014”; and

10 (C) in paragraph (5), by striking “2012”  
11 and inserting “2014”;

12 (3) in subsection (c)—

13 (A) in the matter preceding paragraph (1),  
14 by striking “2012” and inserting “2014”;

15 (B) in paragraph (1), by striking “2014”  
16 and inserting “2016”; and

17 (C) in paragraph (2), by striking “2020”  
18 each place it appears and inserting “2022”;

19 (4) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by striking “2014” and inserting  
22 “2016”; and

23 (ii) by striking “2019” and inserting  
24 “2021”; and

1 (B) in paragraph (2)(A), by striking  
2 “2020” each place it appears and inserting  
3 “2022”; and  
4 (5) in subsection (e), by striking “2023” and  
5 inserting “2025”.

6 **SEC. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
7 **NUCLEAR NONPROLIFERATION ACTIVITIES**  
8 **WITH RUSSIAN FEDERATION.**

9 (a) LIMITATION.—None of the funds authorized to  
10 be appropriated by this Act or otherwise made available  
11 for fiscal year 2013 for defense nuclear nonproliferation  
12 may be obligated or expended for nuclear nonproliferation  
13 activities with the Russian Federation until the date that  
14 is 30 days after the date on which the Secretary of Energy  
15 certifies, in coordination with the Secretary of State and  
16 the Secretary of Defense, to the appropriate congressional  
17 committees that—

18 (1) Russia is no longer—

19 (A) providing direct or indirect support to  
20 the government of Syria’s suppression of the  
21 Syrian people; and

22 (B) transferring to Iran, North Korea, or  
23 Syria equipment and technology that have the  
24 potential to make a material contribution to the  
25 development of weapons of mass destruction or

1           cruise or ballistic missile systems controlled  
2           under multilateral control lists; or

3           (2) funds planned to be obligated or expended  
4           for nuclear nonproliferation activities with the Rus-  
5           sian Federation are strictly for project closeout ac-  
6           tivities and will not be used for new activities or ac-  
7           tivities that will extend beyond fiscal year 2013.

8           (b) WAIVER.—The Secretary of Energy may waive  
9           the limitation in subsection (a) if—

10           (1) the Secretary determines that such waiver is  
11           in the national security interests of the United  
12           States;

13           (2) the Secretary briefs, in an unclassified  
14           form, the appropriate congressional committees on  
15           the justifications of such waiver; and

16           (3) a period of 90 days has elapsed following  
17           the date on which such briefing is held.

18           (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
19           FINED.—In this section, the term “appropriate congres-  
20           sional committees” means—

21           (1) the Committee on Armed Services and the  
22           Committee on Foreign Affairs of the House of Rep-  
23           resentatives; and

24           (2) the Committee on Armed Services and the  
25           Committee on Foreign Relations of the Senate.



1           **Subtitle C—Improvements to**  
2           **National Security Energy Laws**

3   **SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DE-**  
4                   **FENSE ACT.**

5           (a) DEFINITIONS.—

6                 (1) IN GENERAL.—Section 4002 of the Atomic  
7           Energy Defense Act (50 U.S.C. 2501) is amended to  
8           read as follows:

9   **“SEC. 4002. DEFINITIONS.**

10           “In this division:

11                 “(1) The term ‘Administration’ means the Na-  
12           tional Nuclear Security Administration.

13                 “(2) The term ‘Administrator’ means the Ad-  
14           ministrator for Nuclear Security.

15                 “(3) The term ‘classified information’ means  
16           any information that has been determined pursuant  
17           to Executive Order No. 12333 of December 4, 1981  
18           (50 U.S.C. 401 note), Executive Order No. 12958 of  
19           April 17, 1995 (50 U.S.C. 435 note), or successor  
20           orders, to require protection against unauthorized  
21           disclosure and that is so designated.

22                 “(4) The term ‘congressional defense commit-  
23           tees’ means—

1           “(A) the Committee on Armed Services  
2           and the Committee on Appropriations of the  
3           Senate; and

4           “(B) the Committee on Armed Services  
5           and the Committee on Appropriations of the  
6           House of Representatives.

7           “(5) The term ‘nuclear security enterprise’  
8           means the physical facilities, technology, and human  
9           capital of the national security laboratories and the  
10          nuclear weapons production facilities.

11          “(6) The term ‘national security laboratory’  
12          means any of the following:

13               “(A) Los Alamos National Laboratory, Los  
14               Alamos, New Mexico.

15               “(B) Sandia National Laboratories, Albu-  
16               querque, New Mexico, and Livermore, Cali-  
17               fornia.

18               “(C) Lawrence Livermore National Lab-  
19               oratory, Livermore, California.

20          “(7) The term ‘nuclear weapons production fa-  
21          cility’ means any of the following:

22               “(A) The Kansas City Plant, Kansas City,  
23               Missouri.

24               “(B) The Pantex Plant, Amarillo, Texas.

1           “(C) The Y-12 National Security Com-  
2           plex, Oak Ridge, Tennessee.

3           “(D) The Savannah River Site, Aiken,  
4           South Carolina.

5           “(E) The Nevada National Security Site,  
6           Nevada.

7           “(F) Any facility of the Department of En-  
8           ergy that the Secretary of Energy, in consulta-  
9           tion with the Administrator and the Congress,  
10          determines to be consistent with the mission of  
11          the Administration.

12          “(8) The term ‘Restricted Data’ has the mean-  
13          ing given such term in section 11 y. of the Atomic  
14          Energy Act of 1954 (42 U.S.C. 2014(y)).”.

15          (2) CLERICAL AMENDMENT.—The table of con-  
16          tents at the beginning of the Atomic Energy Defense  
17          Act is amended by striking the item relating to sec-  
18          tion 4002 and inserting the following new item:

“Sec. 4002. Definitions.”.

19          (b)           STOCKPILE           STEWARDSHIP.—Section  
20          4201(b)(5)(E) of the Atomic Energy Defense Act (50  
21          U.S.C. 2521(b)(5)(E)) is amended by striking “(as de-  
22          fined in section 3281 of the National Nuclear Security Ad-  
23          ministration Act (50 U.S.C. 2471))”.

1       (c) ANNUAL ASSESSMENTS.—Section 4205 of the  
2 Atomic Energy Defense Act (50 U.S.C. 2525) is amended  
3 by striking subsection (i).

4       (d) TESTING OF NUCLEAR WEAPONS.—

5           (1) IN GENERAL.—Section 4210 of the Atomic  
6 Energy Defense Act (50 U.S.C. 2530) is amended to  
7 read as follows:

8 **“SEC. 4210. TESTING OF NUCLEAR WEAPONS.**

9       “(a) UNDERGROUND TESTING.—No underground  
10 test of nuclear weapons may be conducted by the United  
11 States after September 30, 1996, unless a foreign state  
12 conducts a nuclear test after this date, at which time the  
13 prohibition on United States nuclear testing is lifted.

14       “(b) ATMOSPHERIC TESTING.—None of the funds  
15 appropriated pursuant to the National Defense Authoriza-  
16 tion Act for Fiscal Year 1994 or any other Act for any  
17 fiscal year may be available to maintain the capability of  
18 the United States to conduct atmospheric testing of a nu-  
19 clear weapon.”.

20           (2) CLERICAL AMENDMENT.—The table of con-  
21 tents at the beginning of the Atomic Energy Defense  
22 Act is amended by striking the items relating to sec-  
23 tions 4210 and 4211 and inserting the following new  
24 item:

“Sec. 4210. Testing of nuclear weapons.”.

1           (3) CONFORMING AMENDMENT.—Section 4211  
2           of the Atomic Energy Defense Act (50 U.S.C. 2531)  
3           is repealed.

4           (e) MANUFACTURING INFRASTRUCTURE.—Section  
5           4212 of the Atomic Energy Defense Act (50 U.S.C. 2532)  
6           is amended by striking subsections (d) and (e).

7           (f) CRITICAL DIFFICULTIES REPORT.—

8           (1) IN GENERAL.—Section 4213 of the Atomic  
9           Energy Defense Act (50 U.S.C. 2533) is amended—

10                 (A) in the heading, by striking “**NUCLEAR**  
11                 **WEAPONS LABORATORIES AND NUCLEAR**  
12                 **WEAPONS PRODUCTION PLANTS**” and in-  
13                 serting “**NATIONAL SECURITY LABORA-**  
14                 **TORIES AND NUCLEAR WEAPONS PRODUC-**  
15                 **TION FACILITIES**”;

16                 (B) in subsection (a), by striking “Assistant  
17                 Secretary of Energy for Defense Programs”  
18                 and inserting “Administrator”;

19                 (C) by striking “Assistant Secretary” each  
20                 place it appears and inserting “Administrator”;

21                 (D) by striking “nuclear weapons labora-  
22                 tory” each place it appears and inserting “na-  
23                 tional security laboratory”;

1 (E) by striking “production plant” each  
2 place it appears and inserting “production facil-  
3 ity”; and

4 (F) by striking subsection (e).

5 (2) CLERICAL AMENDMENT.—The table of con-  
6 tents at the beginning of the Atomic Energy Defense  
7 Act is amended by striking the item relating to sec-  
8 tion 4213 and inserting the following new item:

“Sec. 4213. Reports on critical difficulties at national security laboratories and  
nuclear weapons production facilities.”.

9 (g) PLAN FOR TRANSFORMATION.—

10 (1) IN GENERAL.—Section 4214 of the Atomic  
11 Energy Defense Act (50 U.S.C. 2534) is amended—

12 (A) by striking subsections (b) and (d);  
13 and

14 (B) by redesignating subsection (c) as sub-  
15 section (b).

16 (2) CLERICAL AMENDMENT.—The table of con-  
17 tents at the beginning of the Atomic Energy Defense  
18 Act is amended by inserting after the item relating  
19 to section 4213 the following new item:

“Sec. 4214. Plan for transformation of national nuclear security administration  
nuclear weapons complex.”.

20 (h) TRITIUM PRODUCTION PROGRAM.—Section 4231  
21 of the Atomic Energy Defense Act (50 U.S.C. 2541) is  
22 amended to read as follows:

1   **“SEC. 4231. TRITIUM PRODUCTION PROGRAM.**

2           “(a) ESTABLISHMENT OF PROGRAM.—The Secretary  
3 shall establish a tritium production program that is capa-  
4 ble of meeting the tritium requirements of the United  
5 States for nuclear weapons. In carrying out the tritium  
6 production program, the Secretary shall assess alternative  
7 means for tritium production, including production  
8 through—

9           “(1) types of new and existing reactors, includ-  
10 ing multipurpose reactors (such as advanced light  
11 water reactors and gas turbine gas-cooled reactors)  
12 capable of meeting both the tritium production re-  
13 quirements and the plutonium disposition require-  
14 ments of the United States for nuclear weapons;

15           “(2) an accelerator; and

16           “(3) multipurpose reactor projects carried out  
17 by the private sector and the Government.

18           “(b) LOCATION OF TRITIUM PRODUCTION FACIL-  
19 ITY.—The Secretary shall locate any new tritium produc-  
20 tion facility of the Department of Energy at the Savannah  
21 River Site, South Carolina.”.

22           “(i) TRITIUM RECYCLING FACILITIES.—Section 4234  
23 of the Atomic Energy Defense Act (50 U.S.C. 2544) is  
24 amended—

1           (1) by striking “(a) IN GENERAL.—The Sec-  
2       retary of Energy” and inserting “The Secretary”;  
3       and

4           (2) by striking subsection (b).

5       (j) RESTRICTED DATA.—Section 4501 of the Atomic  
6       Energy Defense Act (50 U.S.C. 2651(a)) is amended by  
7       striking subsection (c).

8       (k) FOREIGN VISITORS.—Section 4502 of the Atomic  
9       Energy Defense Act (50 U.S.C. 2652) is amended—

10           (1) by striking “national laboratory” each place  
11       it appears and inserting “national security labora-  
12       tory”; and

13           (2) in subsection (g), by striking paragraphs  
14       (3) and (4).

15       (l) BACKGROUND INVESTIGATIONS.—Section 4503 of  
16       the Atomic Energy Defense Act (50 U.S.C. 2653) is  
17       amended—

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

19           (2) by striking subsections (b) and (c); and

20           (3) by striking “national laboratory” and in-  
21       serting “national security laboratory”.

22       (m) SECURITY FUNCTIONS REPORT.—Section 4506  
23       of the Atomic Energy Defense Act (50 U.S.C. 2657) is  
24       amended—

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



1           (2) by striking subsection (b).

2           (n) COUNTERINTELLIGENCE REPORT.—Section 4507  
3 of the Atomic Energy Defense Act (50 U.S.C. 2658) is  
4 amended—

5           (1) by striking “national laboratories” each  
6 place it appears and inserting “national security lab-  
7 oratories”; and

8           (2) by striking subsection (c).

9           (o) COMPUTER SECURITY REPORT.—Section 4508 of  
10 the Atomic Energy Defense Act (50 U.S.C. 2659)—

11           (1) in subsection (a), by striking “national lab-  
12 oratories” and inserting “national security labora-  
13 tories”; and

14           (2) by striking subsections (e) and (f).

15           (p) DOCUMENT REVIEW.—Section 4521 of the Atom-  
16 ic Energy Defense Act (50 U.S.C. 2671) is amended by  
17 striking subsection (c).

18           (q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

19           (1) IN GENERAL.—Section 4604(f) of the  
20 Atomic Energy Defense Act (50 U.S.C. 2704(f)) is  
21 amended by adding at the end the following new  
22 paragraph:

23           “(3) In addition to the plans submitted under para-  
24 graph (1), the Secretary of Energy shall submit to Con-  
25 gress every six months a report setting forth a description

1 of, and the amount or value of, all local impact assistance  
2 provided during the preceding six months under sub-  
3 section (c)(6).”.

4 (2) CONFORMING AMENDMENT.—Section 4851  
5 of the Atomic Energy Defense Act (50 U.S.C. 2821)  
6 is repealed.

7 (3) CLERICAL AMENDMENT.—The table of con-  
8 tents at the beginning of the Atomic Energy Defense  
9 Act is amended by striking the item relating to sec-  
10 tion 4851.

11 (r) RECRUITMENT AND TRAINING.—Section 4622 of  
12 the Atomic Energy Defense Act (50 U.S.C. 2722) is  
13 amended—

14 (1) in subsection (b)—

15 (A) by striking “(1) As part of” and in-  
16 serting “As part of”; and

17 (B) by striking paragraph (2); and

18 (2) by striking subsection (d).

19 (s) FELLOWSHIP PROGRAM.—

20 (1) IN GENERAL.—Section 4623 of the Atomic  
21 Energy Defense Act (50 U.S.C. 2723) is amended—

22 (A) in the heading, by striking “**DEPART-**  
23 **MENT OF ENERGY NUCLEAR WEAPONS**  
24 **COMPLEX**” and inserting “**NUCLEAR SECU-**  
25 **RITY ENTERPRISE**”;

1 (B) by striking “Department of Energy  
2 nuclear weapons complex” each place it appears  
3 and inserting “nuclear security enterprise”;

4 (C) in subsection (c), by striking “fol-  
5 lowing” and all that follows through the period  
6 at the end and inserting “national security lab-  
7 oratories and nuclear weapon production facili-  
8 ties.”; and

9 (D) in subsection (f)(2), by striking “the  
10 Department of Energy for” and inserting “the  
11 nuclear security enterprise for”.

12 (2) CLERICAL AMENDMENT.—The table of con-  
13 tents at the beginning of the Atomic Energy Defense  
14 Act is amended by striking the item relating to sec-  
15 tion 4623 and inserting the following new item:

“Sec. 4623. Fellowship program for development of skills critical to the nuclear  
security enterprise.”.

16 (t) COST OVERRUNS.—Section 4713(a)(1)(A) of the  
17 Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is  
18 amended—

19 (1) by striking “for Nuclear Security”; and

20 (2) by striking “National Nuclear Security”.

21 (u) BUDGET REQUEST.—

22 (1) IN GENERAL.—Section 4731 of the Atomic  
23 Energy Defense Act (50 U.S.C. 2771) is repealed.

1           (2) CLERICAL AMENDMENT.—The table of con-  
2           tents at the beginning of the Atomic Energy Defense  
3           Act is amended by striking the item relating to sec-  
4           tion 4731.

5           (v) CONTRACTOR BONUSES.—Section 4802 of the  
6           Atomic Energy Defense Act (50 U.S.C. 2782) is amend-  
7           ed—

8                   (2) by striking subsection (b); and

9                   (3) by redesignating subsections (c) and (d) as  
10           subsections (b) and (c), respectively.

11          (w) FUNDS FOR RESEARCH AND DEVELOPMENT.—  
12          Section 4812 of the Atomic Energy Defense Act (50  
13          U.S.C. 2792) is amended—

14                   (1) by striking subsections (b) through (d); and

15                   (2) by redesignating subsection (e) as sub-  
16           section (b).

17          (x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c)  
18          of the Atomic Energy Defense Act (50 U.S.C. 2794(c))  
19          is amended by striking paragraph (5).

20          (y) UNIVERSITY COLLABORATION.—Section 4814 of  
21          the Atomic Energy Defense Act (50 U.S.C. 2795) is  
22          amended by striking subsection (c).

23          (z) ENGINEERING AND MANUFACTURING RE-  
24          SEARCH.—Section 4832 of the Atomic Energy Defense

1 Act (50 U.S.C. 2812) is amended by striking subsections  
2 (c) through (e).

3 (aa) PILOT PROGRAM REPORT.—Section 4833 of the  
4 Atomic Energy Defense Act (50 U.S.C. 2813) is amended  
5 by striking subsection (e).

6 (bb) TECHNICAL AMENDMENTS.—The Atomic En-  
7 ergy Defense Act (50 U.S.C. 2501 et seq.) is amended  
8 as follows:

9 (1) By striking “Nevada Test Site” each place  
10 it appears and inserting “Nevada National Security  
11 Site”.

12 (2) By striking “Director of Central Intel-  
13 ligence” each place it appears and inserting “Direc-  
14 tor of National Intelligence”.

15 **SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR**  
16 **SECURITY ADMINISTRATION ACT.**

17 (a) NUCLEAR SECURITY ENTERPRISE REF-  
18 ERENCE.—

19 (1) FUTURE-YEARS NUCLEAR SECURITY PRO-  
20 GRAM.—Section 3253 of the National Nuclear Secu-  
21 rity Administration Act (50 U.S.C. 2453) is amend-  
22 ed by striking “nuclear weapons complex” each place  
23 it appears and inserting “nuclear security enter-  
24 prise”.

1           (2) GAO REPORTS.—Section 3255 of the Na-  
2           tional Nuclear Security Administration Act (50  
3           U.S.C. 2455) is amended—

4                   (A) by striking “nuclear security complex”  
5                   each place it appears and inserting “nuclear se-  
6                   curity enterprise”; and

7                   (B) in subsection (b), by striking para-  
8                   graph (3).

9           (3) DEFINITION.—Section 3281 of the National  
10          Nuclear Security Administration Act (50 U.S.C.  
11          2471) is amended by adding at the end the following  
12          new paragraph:

13                   “(6) The term ‘nuclear security enterprise’  
14                   means the physical facilities, technology, and human  
15                   capital of the national security laboratories and the  
16                   nuclear weapons production facilities.”.

17          (b) TRANSFER OF FUNCTIONS.—

18                   (1) NEW TRANSFERS.—

19                           (A) IN GENERAL.—Section 3291 of the  
20                   National Nuclear Security Administration Act  
21                   (50 U.S.C. 2481) is amended to read as fol-  
22                   lows:

23          **“SEC. 3291. TRANSFER OF FUNCTIONS.**

24                   “(a) AUTHORITY TO TRANSFER FUNCTIONS.—The  
25          Secretary of Energy may transfer to the Administrator

1 any facility, mission, or function of the Department of En-  
2 ergy that the Secretary, in consultation with the Adminis-  
3 trator and Congress, determines to be consistent with the  
4 mission of the Administration.

5 “(b) ENVIRONMENTAL REMEDIATION AND WASTE  
6 MANAGEMENT ACTIVITIES.—In the case of any environ-  
7 mental remediation and waste management activity of any  
8 element of the Administration, the Secretary of Energy  
9 may determine to transfer responsibility for that activity  
10 to another element of the Department of Energy.

11 “(c) TRANSFER OF FUNDS.—(1) Any balance of ap-  
12 propriations that the Secretary of Energy determines is  
13 available and needed to finance or discharge a function,  
14 power, or duty or an activity that is transferred to the  
15 Administration shall be transferred to the Administration  
16 and used for any purpose for which those appropriations  
17 were originally available. Balances of appropriations so  
18 transferred shall—

19 “(A) be credited to any applicable appropriation  
20 account of the Administration; or

21 “(B) be credited to a new account that may be  
22 established on the books of the Department of the  
23 Treasury;  
24 and shall be merged with the funds already credited  
25 to that account and accounted for as one fund.

1       “(2) Balances of appropriations credited to an ac-  
2 count under paragraph (1)(A) are subject only to such  
3 limitations as are specifically applicable to that account.  
4 Balances of appropriations credited to an account under  
5 paragraph (1)(B) are subject only to such limitations as  
6 are applicable to the appropriations from which they are  
7 transferred.

8       “(d) PERSONNEL.—(1) With respect to any function,  
9 power, or duty or activity of the Department of Energy  
10 that is transferred to the Administration, those employees  
11 of the element of the Department of Energy from which  
12 the transfer is made that the Secretary of Energy deter-  
13 mines are needed to perform that function, power, or duty,  
14 or for that activity, as the case may be, shall be trans-  
15 ferred to the Administration.

16       “(2) The authorized strength in civilian employees of  
17 any element of the Department of Energy from which em-  
18 ployees are transferred under this section is reduced by  
19 the number of employees so transferred.”.

20               (B) CLERICAL AMENDMENT.—The table of  
21 contents at the beginning of the National Nu-  
22 clear Security Administration Act is amended  
23 by striking the item relating to section 3291  
24 and inserting the following new item:

“Sec. 3291. Transfer of Functions.”.



1           (2) APPLICABILITY OF EXISTING LAWS AND  
2       REGULATIONS.—Section 3296 of the National Nu-  
3       clear Security Administration Act (50 U.S.C. 2484)  
4       is amended to read as follows:

5   **“SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND**  
6               **REGULATIONS.**

7       “With respect to any facility, mission, or function of  
8       the Department of Energy that the Secretary of Energy  
9       transfers to the Administrator under section 3291, unless  
10      otherwise provided in this title, all provisions of law and  
11      regulations in effect immediately before the date of the  
12      transfer that are applicable to such facility, mission, or  
13      functions shall continue to apply to the corresponding  
14      functions of the Administration.”.

15           (3) RULE OF CONSTRUCTION.—Nothing in sec-  
16      tion 3291 of the National Nuclear Security Adminis-  
17      tration Act (50 U.S.C. 2481), as amended by para-  
18      graph (1), may be construed to affect any function  
19      or activity transferred by the Secretary of Energy to  
20      the Administrator for Nuclear Security before the  
21      date of the enactment of this Act.

22      (c) REPEAL OF EXPIRED PROVISIONS.—

23           (1) IN GENERAL.—The following sections of the  
24      National Nuclear Security Administration Act (50  
25      U.S.C. 2401 et seq.) are repealed:

1 (A) Section 3242 (50 U.S.C. 2442).

2 (B) Section 3292 (50 U.S.C. 2482).

3 (C) Section 3295 (50 U.S.C. 2483).

4 (D) Section 3297 (50 U.S.C. 2401 note).

5 (2) CLERICAL AMENDMENTS.—The table of  
6 contents at the beginning of the National Nuclear  
7 Security Administration Act is amended by striking  
8 the item relating to sections 3242, 3292, 3295, and  
9 3297.

10 (d) TECHNICAL AMENDMENTS TO THE NNSA  
11 ACT.—The National Nuclear Security Administration Act  
12 (50 U.S.C. 2401 et seq.) is amended as follows:

13 (1) In section 3212(a)(2) (50 U.S.C. 2402), by  
14 striking “as added by section 3202 of this Act,”.

15 (2) In section 3253(b)(3) (50 U.S.C.  
16 2453(b)(3)), by striking “section 3158 of the Strom  
17 Thurmond National Defense Authorization Act for  
18 Fiscal Year 1999 (42 U.S.C. 2121 note)” and in-  
19 serting “section 4202(a) of the Atomic Energy De-  
20 fense Act (50 U.S.C. 2522(a))”.

21 (3) In section 3281(2) (50 U.S.C. 2471(2))—

22 (A) in subparagraph (C), by striking “Y-  
23 12 Plant” and inserting “Y-12 National Secu-  
24 rity Complex”; and

1 (B) in subparagraph (D), by striking “trit-  
 2 ium operations facilities at the”.

3 (4) By striking “Nevada Test Site” each place  
 4 it appears and inserting “Nevada National Security  
 5 Site”.

6 (e) TECHNICAL AMENDMENT TO THE DOE ORGANI-  
 7 ZATION ACT.—Section 643 of the Department of Energy  
 8 Organization Act (42 U.S.C. 7253) is amended by redesign-  
 9 nating the second subsection (b) as subsection (c).

10 **SEC. 3133. CLARIFICATION OF THE ROLE OF THE ADMINIS-**  
 11 **TRATOR FOR NUCLEAR SECURITY.**

12 (a) ROLE UNDER NNSA ACT.—

13 (1) FUNCTION.—Section 3212 of the National  
 14 Nuclear Security Administration Act (50 U.S.C.  
 15 2402(b)) is amended—

16 (A) in subsection (b), by striking “all pro-  
 17 grams and activities of the Administration” and  
 18 inserting “all programs, policies, regulations,  
 19 and rules of the Administration”; and

20 (B) in subsection (d), by striking “, unless  
 21 disapproved by the Secretary of Energy.” and  
 22 inserting “to carry out the mission and func-  
 23 tions of the Administration, except as provided  
 24 by section 3219.”.

25 (2) ROLE OF THE SECRETARY OF ENERGY.—

1                   (A) IN GENERAL.—Section 3219 of the  
2                   National Nuclear Security Administration Act  
3                   (50 U.S.C. 2409) is amended to read as fol-  
4                   lows:

5   **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**  
6                   **ERGY REGARDING THE ADMINISTRATION.**

7                   “(a) IN GENERAL.—(1) The Secretary of Energy  
8                   may disapprove any action, policy, regulation, or rule of  
9                   the Administrator if—

10                  “(A) the Secretary submits to the congressional  
11                  defense committees justification for such dis-  
12                  approval; and

13                  “(B) a period of 15 days has elapsed following  
14                  the date on which such justification was submitted.

15                  “(2) Nothing in this title may be construed to provide  
16                  authority to the Secretary of Energy to administer, en-  
17                  force, or oversee the activities under this title except—

18                  “(A) as provided by paragraph (1); or

19                  “(B) to the extent otherwise specifically pro-  
20                  vided by law.

21                  “(3) Except as provided by this section, the Adminis-  
22                  trator shall have complete authority to establish and con-  
23                  duct oversight of policies, activities, and procedures of the  
24                  Administration without direction or oversight by the Sec-  
25                  retary of Energy.

1       “(4) The authority of the Secretary under paragraph  
2 (1) may be delegated only to the Deputy Secretary of En-  
3 ergy, without further redelegation.

4       “(b) LIMITATION ON TRANSFER.—Notwithstanding  
5 the authority granted by section 643 of the Department  
6 of Energy Organization Act (42 U.S.C. 7253) or any other  
7 provision of law, the Secretary of Energy may not estab-  
8 lish, abolish, alter, consolidate, or discontinue any organi-  
9 zational unit or component, or transfer any function, of  
10 the Administration, except as authorized by section  
11 3291.”.

12               (B) CLERICAL AMENDMENT.—The table of  
13 contents at the beginning of the National Nu-  
14 clear Security Administration Act is amended  
15 by striking the item relating to section 3219  
16 and inserting the following new item:

“Sec. 3219. Scope of Authority of Secretary of Energy regarding the Adminis-  
tration.”.

17               (C) DEPARTMENT OF ENERGY ORGANIZA-  
18 TION ACT.—Section 202(c)(3) of the Depart-  
19 ment of Energy Organization Act (42 U.S.C.  
20 7132(c)(3)) is amended to read as follows:

21       “(3) The Under Secretary for Nuclear Security shall  
22 serve as the Administrator for Nuclear Security under sec-  
23 tion 3212 of the National Nuclear Security Administration  
24 Act (50 U.S.C. 2402). In carrying out the functions of

1 the Administrator, the Under Secretary shall be subject  
 2 to the authority of the Secretary of Energy in accordance  
 3 with section 3219 of such Act (50 U.S.C. 2409).”.

4 (3) STATUS OF ADMINISTRATION AND CON-  
 5 TRACTOR PERSONNEL.—Section 3220 of the Na-  
 6 tional Nuclear Security Administration Act (50  
 7 U.S.C. 2410) is amended—

8 (A) in subsection (a)—

9 (i) in paragraph (1)—

10 (I) by striking subparagraph (A);

11 and

12 (II) by redesignating subpara-  
 13 graph (B) and (C) as subparagraph  
 14 (A) and (B), respectively;

15 (ii) in paragraph (2), by striking “any  
 16 other officer, employee, or agent of the De-  
 17 partment of Energy” and inserting “any  
 18 officer, employee, or agent of the Depart-  
 19 ment of Energy, except as provided by sec-  
 20 tion 3219”; and

21 (B) in subsection (b), by striking “except  
 22 for” and all that follows through the period and  
 23 inserting “except as provided by section 3219.”.

24 (4) OFFICE OF DEFENSE NUCLEAR SECU-  
 25 RITY.—Section 3232 of the National Nuclear Secu-

1        rity Administration Act (50 U.S.C. 2422) is amend-  
2        ed to read as follows:

3        **“SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.**

4        “(a) ESTABLISHMENT.—There is within the Admin-  
5        istration an Office of Defense Nuclear Security, headed  
6        by a Chief appointed by the Administrator.

7        “(b) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1)  
8        The head of the Office of Defense Nuclear Security is the  
9        Chief of Defense Nuclear Security, who shall report to the  
10       Administrator and shall implement the security policies di-  
11       rected by the Administrator.

12       “(2) The Chief shall be responsible for the develop-  
13       ment and implementation of security programs and poli-  
14       cies for the Administration, including the protection, con-  
15       trol, and accounting of materials, and for the physical and  
16       cyber security for all facilities of the Administration.”.

17       (5) COUNTERINTELLIGENCE PROGRAMS.—Sec-  
18       tion 3233 of the National Nuclear Security Adminis-  
19       tration Act (50 U.S.C. 2423) is amended in each of  
20       subsections (a) and (b) by striking “The Secretary  
21       of Energy shall” and inserting “The Secretary of  
22       Energy, in coordination with the Administrator,  
23       shall”.

24       (6) BUDGET TREATMENT.—Section 3251(a) of  
25       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



1 (ii) by striking “Department of En-  
2 ergy” and inserting “Administration”; and

3 (B) in subsection (b), by striking “The  
4 Secretary of Energy” and inserting “The Ad-  
5 ministrator”.

6 (3) STOCKPILE MANAGEMENT.—Section 4204  
7 of the Atomic Energy Defense Act (50 U.S.C. 2524)  
8 is amended—

9 (A) in subsection (a), by striking “The  
10 Secretary of Energy, acting through the Admin-  
11 istrator for Nuclear Security and” and inserting  
12 “The Administrator,”; and

13 (B) in subsection (b), by striking “Sec-  
14 retary of Energy” and inserting “Adminis-  
15 trator”.

16 (4) ANNUAL ASSESSMENTS.—Section 4205(h)  
17 of the Atomic Energy Defense Act (50 U.S.C.  
18 2525(h)) is amended to read as follows:

19 “(h) SECRETARY CONCERNED DEFINED.—In this  
20 section, the term ‘Secretary concerned’ means—

21 “(1) the Secretary of Energy, with respect to  
22 matters concerning the Administration; and

23 “(2) the Secretary of Defense, with respect to  
24 matters concerning the Department of Defense.”.

1           (5) NUCLEAR TEST BAN READINESS PRO-  
2       GRAM.—Section 4207 of the Atomic Energy Defense  
3       Act (50 U.S.C. 2527) is amended—

4           (A) in subsection (b), by striking “Sec-  
5       retary of Energy” and inserting “Adminis-  
6       trator”; and

7           (B) in subsection (d), by striking “Sec-  
8       retary of Energy” and inserting “Adminis-  
9       trator”.

10       (6) SPECIFIC REQUEST REQUIREMENT.—Sec-  
11      tion 4209 of the Atomic Energy Defense Act (50  
12      U.S.C. 2529) is amended—

13           (A) in subsection (a)(1)—

14               (i) by striking “ after fiscal year 2002  
15               in which the Secretary of Energy” and in-  
16               serting “in which the Administrator”; and

17               (ii) by striking “the Secretary shall”  
18               and inserting “the Administrator shall”;  
19               and

20           (B) in subsection (b), by striking “Sec-  
21       retary shall” and inserting “Administrator  
22       shall”.

23       (7) MANUFACTURING INFRASTRUCTURE.—Sec-  
24      tion 4212(a)(1) of the Atomic Energy Defense Act

1 (50 U.S.C. 2532(a)(1)) is amended by striking “Sec-  
2 retary of Energy” and inserting “Administrator”.

3 (8) PLAN FOR TRANSFORMATION.—Section  
4 4214 of the Atomic Energy Defense Act (50 U.S.C.  
5 2534), as amended by section 3131(g)(1), is amend-  
6 ed by striking “Secretary of Energy” each place it  
7 appears and inserting “Administrator”.

8 (9) NUCLEAR MATERIALS PROTECTION, CON-  
9 TROL, AND ACCOUNTING.—Section 4303(a) of the  
10 Atomic Energy Defense Act (50 U.S.C. 2563(a)) is  
11 amended—

12 (A) by striking “Secretary of Energy” and  
13 inserting “Administrator”; and

14 (B) by striking “Department of Energy”  
15 and inserting “Administration”.

16 (10) TRITIUM PRODUCTION PROGRAM.—Section  
17 4231 of the Atomic Energy Defense Act (50 U.S.C.  
18 2541), as amended by section 3131(h), is amend-  
19 ed—

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

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

1           (11) TRITIUM RECYCLING FACILITIES.—Section  
2           4234 of the Atomic Energy Defense Act (50 U.S.C.  
3           2544), as amended by section 3131(i), is amended  
4           by striking “Secretary” and inserting “Adminis-  
5           trator”.

6           (12) CERTAIN FISSILE MATERIALS PROGRAM.—  
7           Section 4305 of the Atomic Energy Defense Act (50  
8           U.S.C. 2565) is amended by striking “Secretary of  
9           Energy” and inserting “Administrator”.

10          (13) FISSILE MATERIALS MANAGEMENT  
11          PLAN.—Section 4403(a)(1) of the Atomic Energy  
12          Defense Act (50 U.S.C. 2583(a)(1)) is amended by  
13          striking “the Office of Defense Programs” and in-  
14          serting “the Administration”.

15          (14) RESTRICTED DATA.—Section 4501(a) of  
16          the Atomic Energy Defense Act (50 U.S.C. 2651(a))  
17          is amended by striking “The Secretary of Energy”  
18          and inserting “The Administrator”.

19          (15) BACKGROUND INVESTIGATIONS.—Section  
20          4503 of the Atomic Energy Defense Act (50 U.S.C.  
21          2653), as amended by section 3131(l), is amended  
22          by striking “The Secretary of Energy” and inserting  
23          “The Administrator”.

1           (16) COUNTERINTELLIGENCE FAILURES.—Sec-  
2           tion 4505 of the Atomic Energy Defense Act (50  
3           U.S.C. 2656) is amended—

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

6                   (B) by striking “Secretary” each place it  
7                   appears and inserting “Administrator”;

8                   (C) by striking “Department of Energy”  
9                   each place it appears and inserting “Adminis-  
10                  tration”; and

11                  (D) by striking “Department” each place  
12                  it appears and inserting “Administration”.

13           (17) SECURITY FUNCTIONS REPORT.—Section  
14           4506 of the Atomic Energy Defense Act (50 U.S.C.  
15           2657), as amended by section 3131(m), is amended  
16           by striking “the Secretary of Energy” and inserting  
17           “the Administrator”.

18           (18) COUNTERINTELLIGENCE REPORT.—Sec-  
19           tion 4507(a) of the Atomic Energy Defense Act (50  
20           U.S.C. 2658(a)) is amended by striking “Secretary  
21           of Energy” and inserting “Administrator”.

22           (19) COMPUTER SECURITY REPORT.—Section  
23           4508 of the Atomic Energy Defense Act (50 U.S.C.  
24           2659) is amended—

(A) in subsection (c), by striking “Secretary of Energy” each place it appears and inserting “Administrator”; and

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

(20) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended—

(A) in subsection (a)—

(i) by striking “Secretary of Energy” and inserting “Administrator”;

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

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

(21) MANAGEMENT TRAINING.—

(A) IN GENERAL.—Section 4621 of the Atomic Energy Defense Act (50 U.S.C. 2721) is amended—

(i) in the heading, by inserting “**AND NATIONAL NUCLEAR SECURITY ADMINISTRATION**” after “**ENERGY**”;

(ii) in subsection (a)—

1 (I) by striking “Secretary of En-  
 2 ergy” and inserting “Under Secretary  
 3 of Energy for Nuclear Security”; and

4 (II) by inserting “and the Ad-  
 5 ministration” after “the Department  
 6 of Energy”; and

7 (iii) in subsection (b)(1), by inserting  
 8 “and Administration” after “Department  
 9 of Energy”.

10 (B) CLERICAL AMENDMENT.—The table of  
 11 contents at the beginning of the Atomic Energy  
 12 Defense Act is amended by striking the item re-  
 13 lating to section 4621 and inserting the fol-  
 14 lowing new item:

“Sec. 4621. Executive management training in the Department of Energy and  
 National Nuclear Security Administration.”.

15 (22) RECRUITMENT AND TRAINING.—Section  
 16 4622 of the Atomic Energy Defense Act (50 U.S.C.  
 17 2722) is amended—

18 (A) in subsection (a), by striking “the Sec-  
 19 retary of Energy” and inserting “the Adminis-  
 20 trator”; and

21 (B) in subsection (c), by striking “Sec-  
 22 retary” and inserting “Administrator”.

1           (23) FELLOWSHIP PROGRAM.—Section 4623 of  
2           the Atomic Energy Defense Act (50 U.S.C. 2723) is  
3           amended—

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

6                   (B) by striking “Secretary” each place it  
7                   appears and inserting “Administrator.”;

8                   (C) in subsection (b)(1), by striking “De-  
9                   partment of Energy” and inserting “Adminis-  
10                  tration”; and

11                  (D) in subsection (e), by striking “, in con-  
12                  sultation with the Assistant Secretary of En-  
13                  ergy for Defense Programs,”.

14           (24) TRANSFER OF WEAPONS FUNDS.—Section  
15           4711 of the Atomic Energy Defense Act (50 U.S.C.  
16           2751) is amended—

17                   (A) in subsection (a), by striking “Sec-  
18                   retary of Energy” and inserting “Adminis-  
19                   trator”;

20                   (B) in subsection (d), by striking “Sec-  
21                   retary, acting through the Administrator for  
22                   Nuclear Security,” and inserting “Adminis-  
23                   trator”; and

24                   (C) in subsection (e)—

25                           (i) in paragraph (1)—



1 (I) by striking “Department of  
2 Energy” and inserting “Administra-  
3 tion”; and

4 (II) by striking “Department”  
5 and inserting “Administration”; and

6 (ii) in paragraph (2), by inserting “or  
7 the Administration” after “Department of  
8 Energy”.

9 (25) COST OVERRUNS.—Section 4713 of the  
10 Atomic Energy Defense Act (50 U.S.C. 2753) is  
11 amended—

12 (A) in subsection (a)(2)—

13 (i) in subparagraph (A)—

14 (I) by striking “Secretary of En-  
15 ergy” and inserting “Administrator”;  
16 and

17 (II) in clause (ii), by striking  
18 “Department” and inserting “Admin-  
19 istration”; and

20 (ii) in subparagraph (B), by striking  
21 “Secretary” and inserting “Adminis-  
22 trator”; and

23 (B) in subsection (c)(2)(B), by inserting  
24 “or the Administration” after “Department of  
25 Energy”.

1           (26) PENALTIES.—Section 4721(a) of the  
2       Atomic Energy Defense Act (50 U.S.C. 2761(a)) is  
3       amended by striking “the Department of Energy for  
4       the Naval Nuclear Propulsion Program” and insert-  
5       ing “the Administration for the Naval Nuclear Reac-  
6       tor Program”.

7           (27) RESEARCH AND DEVELOPMENT.—Section  
8       4811 of the Atomic Energy Defense Act (50 U.S.C.  
9       2791) is amended—

10           (A) in subsection (a), by inserting “and  
11       the Administration” after “Department of En-  
12       ergy”;

13           (B) in subsection (b)—

14               (i) by striking “The Secretary” and  
15       inserting “(1) Except as provided by para-  
16       graph (2), the Secretary”; and

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

19       “(2) With respect to the conduct of laboratory-di-  
20       rected research and development at laboratories of the Ad-  
21       ministration, the Administrator shall prescribe regulations  
22       for such conduct and oversee such regulations.”; and

23           (C) in subsection (c), by inserting “or the  
24       Administrator” after “the Secretary”.

1           (28) FUNDS FOR RESEARCH AND DEVELOP-  
2           MENT.—Subsection (a)(1) of section 4812 of the  
3           Atomic Energy Defense Act (50 U.S.C. 2792(a)(1))  
4           is amended—

5                   (A) by striking “the Department of Energy  
6                   in” and inserting “the Administration in”;

7                   (B) by striking “under the Department of  
8                   Energy”; and inserting “under the”;

9                   (C) by striking “any Department of En-  
10                  ergy” and inserting “any”; and

11                  (D) by striking “mission of the Depart-  
12                  ment of Energy” and inserting “mission of the  
13                  Administration”.

14 **SEC. 3134. CONSOLIDATED REPORTING REQUIREMENTS**  
15 **RELATING TO NUCLEAR STOCKPILE STEW-**  
16 **ARDSHIP, MANAGEMENT, AND INFRASTRUC-**  
17 **TURE.**

18           (a) CONSOLIDATED PLAN FOR STEWARDSHIP, MAN-  
19           AGEMENT, AND CERTIFICATION OF WARHEADS IN THE  
20           NUCLEAR WEAPONS STOCKPILE.—

21                   (1) IN GENERAL.—Section 4203 of the Atomic  
22           Energy Defense Act (50 U.S.C. 2523) is amended to  
23           read as follows:

1   **“SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP,**  
2                   **MANAGEMENT, AND INFRASTRUCTURE PLAN.**

3           “(a) PLAN REQUIREMENT.—The Administrator, in  
4   consultation with the Secretary of Defense and other ap-  
5   propriate officials of the departments and agencies of the  
6   Federal Government, shall develop and annually update  
7   a plan for sustaining the nuclear weapons stockpile. The  
8   plan shall cover, at a minimum, stockpile stewardship,  
9   stockpile management, stockpile surveillance, program di-  
10   rection, infrastructure modernization, human capital, and  
11   nuclear test readiness. The plan shall be consistent with  
12   the programmatic and technical requirements of the most  
13   recent annual Nuclear Weapons Stockpile Memorandum.

14          “(b) SUBMISSIONS TO CONGRESS.—(1) In accord-  
15   ance with subsection (c), not later than March 15 of each  
16   even-numbered year, the Administrator shall submit to the  
17   congressional defense committees a summary of the plan  
18   developed under subsection (a).

19          “(2) In accordance with subsection (d), not later than  
20   March 15 of each odd-numbered year, the Administrator  
21   shall submit to the congressional defense committees a de-  
22   tailed report on the plan developed under subsection (a).

23          “(3) The summaries and reports required by this sub-  
24   section shall be submitted in unclassified form, but may  
25   include a classified annex.

1 “(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—

2 Each summary of the plan submitted under subsection

3 (b)(1) shall include, at a minimum, the following:

4 “(1) A summary of the status of the nuclear  
5 weapons stockpile, including the number and age of  
6 warheads (including both active and inactive) for  
7 each warhead type.

8 “(2) A summary of the status, plans, budgets,  
9 and schedules for warhead life extension programs  
10 and any other programs to modify, update, or re-  
11 place warhead types.

12 “(3) A summary of the methods and informa-  
13 tion used to determine that the nuclear weapons  
14 stockpile is safe and reliable, as well as the relation-  
15 ship of science-based tools to the collection and in-  
16 terpretation of such information.

17 “(4) A summary of the status of the nuclear se-  
18 curity enterprise, including programs and plans for  
19 infrastructure modernization and retention of human  
20 capital, as well as associated budgets and schedules.

21 “(5) A summary of the status of achieving the  
22 purposes of the program established under section  
23 4207(b).

1           “(6) Identification of any modifications or up-  
2           dates to the plan since the previous summary or de-  
3           tailed report was submitted under subsection (b).

4           “(7) Such other information as the Adminis-  
5           trator considers appropriate.

6           “(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—  
7           Each detailed report on the plan submitted under sub-  
8           section (b)(2) shall include, at a minimum, the following:

9           “(1) With respect to stockpile stewardship and  
10          management—

11           “(A) the status of the nuclear weapons  
12           stockpile, including the number and age of war-  
13           heads (including both active and inactive) for  
14           each warhead type;

15           “(B) for each five-year period occurring  
16           during the period beginning on the date of the  
17           report and ending on the date that is 20 years  
18           after the date of the report—

19           “(i) the planned number of nuclear  
20           warheads (including active and inactive)  
21           for each warhead type in the nuclear weap-  
22           ons stockpile; and

23           “(ii) the past and projected future  
24           total lifecycle cost of each type of nuclear  
25           weapon;

1           “(C) the status, plans, budgets, and sched-  
2           ules for warhead life extension programs and  
3           any other programs to modify, update, or re-  
4           place warhead types;

5           “(D) a description of the process by which  
6           the Administrator assesses the lifetimes, and re-  
7           quirements for life extension or replacement, of  
8           the nuclear and non-nuclear components of the  
9           warheads (including active and inactive war-  
10          heads) in the nuclear weapons stockpile;

11          “(E) a description of the process used in  
12          recertifying the safety, security, and reliability  
13          of each warhead type in the nuclear weapons  
14          stockpile;

15          “(F) any concerns of the Administrator  
16          which would affect the ability of the Adminis-  
17          trator to recertify the safety, security, or reli-  
18          ability of warheads in the nuclear weapons  
19          stockpile (including active and inactive war-  
20          heads);

21          “(G) mechanisms to provide for the manu-  
22          facture, maintenance, and modernization of  
23          each warhead type in the nuclear weapons  
24          stockpile, as needed;

1           “(H) mechanisms to expedite the collection  
2 of information necessary for carrying out the  
3 stockpile management program required by sec-  
4 tion 4204, including information relating to the  
5 aging of materials and components, new manu-  
6 facturing techniques, and the replacement or  
7 substitution of materials;

8           “(I) mechanisms to ensure the appropriate  
9 assignment of roles and missions for each na-  
10 tional security laboratory and nuclear weapons  
11 production facility, including mechanisms for  
12 allocation of workload, mechanisms to ensure  
13 the carrying out of appropriate modernization  
14 activities, and mechanisms to ensure the reten-  
15 tion of skilled personnel;

16           “(J) mechanisms to ensure that each na-  
17 tional security laboratory has full and complete  
18 access to all weapons data to enable a rigorous  
19 peer-review process to support the annual as-  
20 sessment of the condition of the nuclear weap-  
21 ons stockpile required under section 4205;

22           “(K) mechanisms for allocating funds for  
23 activities under the stockpile management pro-  
24 gram required by section 4204, including allo-



1 cations of funds by weapon type and facility;  
2 and

3 “(L) for each of the five fiscal years fol-  
4 lowing the fiscal year in which the report is  
5 submitted, an identification of the funds needed  
6 to carry out the program required under section  
7 4204.

8 “(2) With respect to science-based tools—

9 “(A) a description of the information need-  
10 ed to determine that the nuclear weapons stock-  
11 pile is safe and reliable;

12 “(B) for each science-based tool used to  
13 collect information described in subparagraph  
14 (A), the relationship between such tool and  
15 such information and the effectiveness of such  
16 tool in providing such information based on the  
17 criteria developed pursuant to section 4202(a);  
18 and

19 “(C) the criteria developed under section  
20 4202(a) (including any updates to such cri-  
21 teria).

22 “(3) An assessment of the stockpile stewardship  
23 program under section 4201 by the Administrator,  
24 in consultation with the directors of the national se-  
25 curity laboratories, which shall set forth—

1 “(A) an identification and description of—

2 “(i) any key technical challenges to  
3 the stockpile stewardship program; and

4 “(ii) the strategies to address such  
5 challenges without the use of nuclear test-  
6 ing;

7 “(B) a strategy for using the science-based  
8 tools (including advanced simulation and com-  
9 puting capabilities) of each national security  
10 laboratory to ensure that the nuclear weapons  
11 stockpile is safe, secure, and reliable without  
12 the use of nuclear testing.

13 “(C) an assessment of the science-based  
14 tools (including advanced simulation and com-  
15 puting capabilities) of each national security  
16 laboratory that exist at the time of the assess-  
17 ment compared with the science-based tools ex-  
18 pected to exist during the period covered by the  
19 future-years nuclear security program; and

20 “(D) an assessment of the core scientific  
21 and technical competencies required to achieve  
22 the objectives of the stockpile stewardship pro-  
23 gram and other weapons activities and weap-  
24 ons-related activities of the Administration, in-  
25 cluding—

1 “(i) the number of scientists, engi-  
2 neers, and technicians, by discipline, re-  
3 quired to maintain such competencies; and

4 “(ii) a description of any shortage of  
5 such individuals that exists at the time of  
6 the assessment compared with any short-  
7 age expected to exist during the period cov-  
8 ered by the future-years nuclear security  
9 program.

10 “(4) With respect to the nuclear security infra-  
11 structure—

12 “(A) a description of the modernization  
13 and refurbishment measures the Administrator  
14 determines necessary to meet the requirements  
15 prescribed in—

16 “(i) the national security strategy of  
17 the United States as set forth in the most  
18 recent national security strategy report of  
19 the President under section 108 of the Na-  
20 tional Security Act of 1947 (50 U.S.C.  
21 404a) if such strategy has been submitted  
22 as of the date of the plan;

23 “(ii) the most recent quadrennial de-  
24 fense review if such strategy has not been  
25 submitted as of the date of the plan; and

1                   “(iii) the most recent nuclear posture  
2                   review as of the date of the plan;

3                   “(B) a schedule for implementing the  
4                   measures described under subparagraph (A)  
5                   during the 10-year period following the date of  
6                   the plan; and

7                   “(C) the estimated levels of annual funds  
8                   the Administrator determines necessary to  
9                   carry out the measures described under sub-  
10                  paragraph (A), including a discussion of the cri-  
11                  teria, evidence, and strategies on which such es-  
12                  timated levels of annual funds are based.

13                  “(5) With respect to the nuclear test readiness  
14                  of the United States—

15                  “(A) an estimate of the period of time that  
16                  would be necessary for the Administrator to  
17                  conduct an underground test of a nuclear weap-  
18                  on once directed by the President to conduct  
19                  such a test;

20                  “(B) a description of the level of test read-  
21                  iness that the Administrator, in consultation  
22                  with the Secretary of Defense, determines to be  
23                  appropriate;

24                  “(C) a list and description of the workforce  
25                  skills and capabilities that are essential to car-

1           rying out an underground nuclear test at the  
2           Nevada National Security Site;

3                 “(D) a list and description of the infra-  
4           structure and physical plants that are essential  
5           to carrying out an underground nuclear test at  
6           the Nevada National Security Site; and

7                 “(E) an assessment of the readiness status  
8           of the skills and capabilities described in sub-  
9           paragraph (C) and the infrastructure and phys-  
10          ical plants described in subparagraph (D).

11               “(6) With respect to the program established  
12          under section 4207(b), a description of the progress  
13          made to the date of the report in achieving the pur-  
14          poses of such program.

15               “(7) Identification of any modifications or up-  
16          dates to the plan since the previous summary or de-  
17          tailed report was submitted under subsection (b).

18          “(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—

19       (1) For each detailed report on the plan submitted under  
20       subsection (b)(2), the Nuclear Weapons Council estab-  
21       lished by section 179 of title 10, United States Code, shall  
22       conduct an assessment that includes the following:

23               “(A) An analysis of the plan, including—

24                       “(i) whether the plan supports the require-  
25                       ments of the national security strategy of the

1 United States or the most recent quadrennial  
2 defense review, as applicable under subsection  
3 (d)(4)(A), and the Nuclear Posture Review; and

4 “(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.

10 “(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

14 “(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

21 “(i) supporting the annual certification of  
22 the nuclear weapons stockpile; and

23 “(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

1       “(2) Not later than 180 days after the date on which  
2 the Administrator submits the plan under subsection  
3 (b)(2), the Nuclear Weapons Council shall submit to the  
4 congressional defense committees a report detailing the as-  
5 sessment required under paragraph (1).

6       “(f) DEFINITIONS.—In this section:

7           “(1) The term ‘budget’, with respect to a fiscal  
8 year, means the budget for that fiscal year that is  
9 submitted to Congress by the President under sec-  
10 tion 1105(a) of title 31, United States Code.

11          “(2) The term ‘future-years nuclear security  
12 program’ means the program required by section  
13 3253 of the National Nuclear Security Administra-  
14 tion Act (50 U.S.C. 2453).

15          “(3) The term ‘nuclear security budget mate-  
16 rials’, with respect to a fiscal year, means the mate-  
17 rials submitted to Congress by the Administrator for  
18 the National Nuclear Security Administration in  
19 support of the budget for that fiscal year.

20          “(4) The term ‘quadrennial defense review’  
21 means the review of the defense programs and poli-  
22 cies of the United States that is carried out every  
23 four years under section 118 of title 10, United  
24 States Code.

1           “(5) The term ‘weapons activities’ means each  
2           activity within the budget category of weapons ac-  
3           tivities in the budget of the National Nuclear Secu-  
4           rity Administration.

5           “(6) The term ‘weapons-related activities’  
6           means each activity under the Department of En-  
7           ergy that involves nuclear weapons, nuclear weapons  
8           technology, or fissile or radioactive materials, includ-  
9           ing activities related to—

10                   “(A) nuclear nonproliferation;

11                   “(B) nuclear forensics;

12                   “(C) nuclear intelligence;

13                   “(D) nuclear safety; and

14                   “(E) nuclear incident response.”.

15           (2) CLERICAL AMENDMENT.—The table of con-  
16           tents for the Atomic Energy Defense Act is amended  
17           by striking the item relating to section 4203 and in-  
18           serting the following new item:

          “Sec. 4203. Nuclear weapons stockpile stewardship, management, and infra-  
          structure plan.”.

19           (b) REPEAL OF REQUIREMENT FOR BIENNIAL RE-  
20           PORT ON STOCKPILE STEWARDSHIP CRITERIA.—

21           (1) IN GENERAL.—Section 4202 of the Atomic  
22           Energy Defense Act (50 U.S.C. 2522) is amended  
23           by striking subsections (c) and (d).



1           (2) TECHNICAL AMENDMENT.—The heading of  
2       such section is amended to read as follows:  
3       **“STOCKPILE STEWARDSHIP CRITERIA”**.

4           (3) CLERICAL AMENDMENT.—The table of con-  
5       tents for the Atomic Energy Defense Act is amended  
6       by striking the item relating to section 4202 and in-  
7       serting the following new item:

“Sec. 4202. Stockpile stewardship criteria.”.

8           (c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN  
9       ON MODERNIZATION AND REFURBISHMENT OF THE NU-  
10      CLEAR SECURITY COMPLEX.—Section 4203A of the  
11      Atomic Energy Defense Act (50 U.S.C. 2523A) is re-  
12      pealed.

13          (d) REPEAL OF REQUIREMENT FOR ANNUAL UP-  
14      DATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—  
15      Section 4204 of the Atomic Energy Defense Act (50  
16      U.S.C. 2524) is amended—

17           (1) by striking subsections (c) and (d); and

18           (2) by redesignating subsection (e) as sub-  
19      section (c).

20          (e) NUCLEAR TEST BAN READINESS PROGRAM.—  
21      Section 4207 of the Atomic Energy Defense Act (50  
22      U.S.C. 2527) is amended by striking subsection (e).

23          (f) REPEAL OF REQUIREMENT FOR REPORTS ON NU-  
24      CLEAR TEST READINESS.—

25           (1) AEDA.—

1 (A) IN GENERAL.—Section 4208 of the  
2 Atomic Energy Defense Act (50 U.S.C. 2528)  
3 is repealed.

4 (B) CLERICAL AMENDMENT.—The table of  
5 contents for the Atomic Energy Defense Act is  
6 amended by striking the item relating to section  
7 4208.

8 (2) NDAA FISCAL YEAR 1996.—Section 3152 of  
9 the National Defense Authorization Act for Fiscal  
10 Year 1996 (Public Law 104–106; 110 Stat. 623) is  
11 repealed.

12 **SEC. 3135. REPEAL OF CERTAIN REPORTING REQUIRE-**  
13 **MENTS.**

14 (a) GAO ENVIRONMENTAL MANAGEMENT RE-  
15 PORTS.—Section 3134 of the National Defense Authoriza-  
16 tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
17 Stat. 2713) is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (1), by striking “The  
20 Comptroller” and all that follows through  
21 “(2),” and inserting “Beginning on the date on  
22 which the report under subsection (b)(2) is sub-  
23 mitted, the Comptroller General shall conduct a  
24 review”;

25 (B) by striking paragraph (2);

1 (C) by redesignating paragraph (3) as  
2 paragraph (2); and

3 (D) in paragraph (2), as so redesignated,  
4 by striking “the end of the period described in  
5 paragraph (2)” and inserting “August 30,  
6 2012”; and  
7 (2) in subsection (d)—

8 (A) in paragraph (1), by striking “sub-  
9 section (c)(3)” and inserting “subsection  
10 (c)(2)”; and

11 (B) in paragraph (2), by striking “90  
12 days” and all that follows through “(c)(3)” and  
13 inserting “April 30, 2016, or the date that is  
14 210 days after the date on which all American  
15 Recovery and Reinvestment Act funds have  
16 been obligated or expended (or are no longer  
17 available to be obligated or expended), which-  
18 ever is earlier”.

19 (b) WORKFORCE RESTRUCTURING PLAN UP-  
20 DATES.—

21 (1) IN GENERAL.—Section 4604 of the Atomic  
22 Energy Defense Act (50 U.S.C. 2704), as amended  
23 by section 3131(q)(1), is amended—

24 (A) in subsection (b)(1), by striking “and  
25 any updates of the plan under subsection (e)”;

1 (B) by striking subsection (e);  
 2 (C) in subsection (f)—  
 3 (i) by striking paragraph (2); and  
 4 (ii) by redesignating paragraph (3), as  
 5 added by such section 3131(q)(1), as para-  
 6 graph (2); and  
 7 (D) by redesignating subsections (f) and  
 8 (g) as subsections (e) and (f), respectively.

9 (2) CONFORMING AMENDMENT.—Section  
 10 4643(d)(1) of the Atomic Energy Defense Act (50  
 11 U.S.C. 2733(d)(1)) is amended by striking “section  
 12 4604(g)” and inserting “section 4604(f)”.

13 (c) UNCLASSIFIED CONTROLLED NUCLEAR INFOR-  
 14 MATION QUARTERLY REPORT.—Section 148 of the Atom-  
 15 ic Energy Act of 1954 (42 U.S.C. 2168) is amended by  
 16 striking subsection e.

## 17 **Subtitle D—Reports**

### 18 **SEC. 3141. NOTIFICATION OF NUCLEAR CRITICALITY AND** 19 **NON-NUCLEAR INCIDENTS.**

20 (a) NOTIFICATION.—

21 (1) IN GENERAL.—The Atomic Energy Defense  
 22 Act (50 U.S.C. 2501 et seq.) is amended by adding  
 23 after section 4645, as added by section 3151, the  
 24 following new section:

1   **“SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND**  
2                   **NON-NUCLEAR INCIDENTS.**

3           “(a) NOTIFICATION.—The Secretary of Energy and  
4 the Administrator, as the case may be, shall submit to  
5 the appropriate congressional committees a notification of  
6 a nuclear criticality incident resulting from a covered pro-  
7 gram that results in an injury or fatality or results in the  
8 shut-down, or partial shut-down, of a covered facility by  
9 not later than 15 days after the date of such incident.

10          “(b) ELEMENTS OF NOTIFICATION.—Each notifica-  
11 tion submitted under subsection (a) shall include the fol-  
12 lowing:

13                  “(1) A description of the incident, including the  
14 cause of the incident.

15                  “(2) In the case of a criticality incident, wheth-  
16 er the incident caused a facility, or part of a facility,  
17 to be shut-down.

18                  “(3) The affect, if any, on the mission of the  
19 Administration or the Office of Environmental Man-  
20 agement of the Department of Energy.

21                  “(4) Any corrective action taken in response to  
22 the incident.

23          “(c) DATABASE.—(1) The Secretary and the Admin-  
24 istrator shall each maintain a record of incidents described  
25 in paragraph (2).

1       “(2) An incident described in this paragraph is any  
2 of the following incidents resulting from a covered pro-  
3 gram:

4               “(A) A nuclear criticality incident that results  
5 in an injury or fatality or results in the shut-down,  
6 or partial shut-down, of a covered facility.

7               “(B) A non-nuclear incident that results in seri-  
8 ous bodily injury or fatality at a covered facility.

9       “(d) COOPERATION.—In carrying out this section,  
10 the Secretary and the Administrator shall ensure that  
11 each management and operating contractor of a covered  
12 facility cooperates in a timely manner.

13       “(e) DEFINITIONS.—In this section:

14               “(1) The term ‘appropriate congressional com-  
15 mittees’ means—

16                       “(A) the congressional defense committees;  
17 and

18                       “(B) the Committee on Energy and Com-  
19 merce of the House of Representatives and the  
20 Committee on Energy and Natural Resources of  
21 the Senate.

22       “(2) The term ‘covered facility’ means—

23               “(A) a facility of the nuclear security en-  
24 terprise; and

1           “(B) a facility conducting activities for the  
2           defense environmental cleanup program of the  
3           Office of Environmental Management of the  
4           Department of Energy.

5           “(3) The term ‘covered program’ means—

6                   “(A) programs of the Administration; and

7                   “(B) defense environmental cleanup pro-  
8           grams of the Office of Environmental Manage-  
9           ment of the Department of Energy.”.

10          (2) CLERICAL AMENDMENT.—The table of con-  
11        tents at the beginning of the Atomic Energy Defense  
12        Act is amended by inserting after the item relating  
13        to section 4645 the following new item:

          “Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.”.

14        (b) REPORT.—

15           (1) IN GENERAL.—Not later than 90 days after  
16        the date of the enactment of this Act, the Secretary  
17        of Energy and the Administrator for Nuclear Secu-  
18        rity shall each submit to the appropriate congres-  
19        sional committees a report detailing any incidents  
20        described in paragraph (2) that occurred during the  
21        10-year period before the date of the report.

22           (2) INCIDENTS DESCRIBED.—An incident de-  
23        scribed in this paragraph is any of the following inci-  
24        dents that occurred as a result of programs of the  
25        National Nuclear Security Administration or defense

1 environmental cleanup programs of the Office of En-  
2 vironmental Management of the Department of En-  
3 ergy:

4 (A) A nuclear criticality incident that re-  
5 sulted in an injury or fatality or resulted in the  
6 shut-down, or partial shut-down, of a facility of  
7 the nuclear security enterprise or a facility con-  
8 ducting activities for such defense environ-  
9 mental cleanup programs.

10 (B) A non-nuclear incident that results in  
11 serious bodily injury or fatality at such a facil-  
12 ity.

13 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
14 TEES.—In this subsection, the term “appropriate  
15 congressional committees” means—

16 (A) the congressional defense committees;

17 and

18 (B) the Committee on Energy and Com-  
19 merce of the House of Representatives and the  
20 Committee on Energy and Natural Resources of  
21 the Senate.

22 **SEC. 3142. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

23 (a) PROTOTYPES.—The Atomic Energy Defense Act  
24 (50 U.S.C. 2501 et seq.) is amended by inserting after  
25 section 4214 the following new section:



1 **“SEC. 4215. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

2       “(a) **REPORTS REQUIRED.**—Before proceeding be-  
3 yond phase 6.2 activities with respect to any lifetime ex-  
4 tension program, the director of the national security lab-  
5 oratory responsible for such program shall submit to the  
6 congressional defense committees a report on the lifetime  
7 extension option selected for such program, including—

8               “(1) whether such option selected is refurbish-  
9 ment, reuse, or replacement; and

10              “(2) why such option was selected, including an  
11 assessment of the advantages and disadvantages of  
12 the two options not selected.

13       “(b) **PHASE 6.2 ACTIVITIES DEFINED.**—In this sec-  
14 tion, the term ‘phase 6.2 activities’ means, with respect  
15 to a lifetime extension program, the phase 6.2 feasibility  
16 study and option down-select.”.

17       (b) **CLERICAL AMENDMENT.**—The table of contents  
18 at the beginning of the Atomic Energy Defense Act is  
19 amended by inserting after the item relating to section  
20 4214 the following new item:

“Sec. 4215. Reports on lifetime extension programs.”.

21 **SEC. 3143. NATIONAL ACADEMY OF SCIENCES STUDY ON**  
22 **PEER REVIEW AND DESIGN COMPETITION**  
23 **RELATED TO NUCLEAR WEAPONS.**

24       (a) **STUDY.**—Not later than 60 days after the date  
25 of the enactment of this Act, the Administrator for Nu-

1 clear Security shall enter into an agreement with the Na-  
2 tional Academy of Sciences to conduct a study of peer re-  
3 view and design competition related to nuclear weapons.

4 (b) ELEMENTS.—The study required by subsection  
5 (a) shall include an assessment of—

6 (1) the quality and effectiveness of peer review  
7 of designs, development plans, engineering and sci-  
8 entific activities, and priorities related to both nu-  
9 clear and non-nuclear aspects of nuclear weapons;

10 (2) incentives for effective peer review;

11 (3) the potential effectiveness, efficiency, and  
12 cost of alternative methods of conducting peer review  
13 and design competition related to both nuclear and  
14 non-nuclear aspects of nuclear weapons, as com-  
15 pared to current methods;

16 (4) the known instances where current peer re-  
17 view practices and design competition succeeded or  
18 failed to find problems or potential problems; and

19 (5) such other matters related to peer review  
20 and design competition related to nuclear weapons  
21 as the Administrator considers appropriate.

22 (c) COOPERATION AND ACCESS TO INFORMATION  
23 AND PERSONNEL.—The Administrator shall ensure that  
24 the National Academy of Sciences receives full and timely  
25 cooperation, including full access to information and per-

1 sonnel, from the National Nuclear Security Administra-  
2 tion and the management and operating contractors of the  
3 Administration for the purposes of conducting the study  
4 under subsection (a).

5 (d) REPORT.—

6 (1) IN GENERAL.—The National Academy of  
7 Sciences shall submit to the Administrator a report  
8 containing the results of the study conducted under  
9 subsection (a) and any recommendations resulting  
10 from the study.

11 (2) SUBMITTAL TO CONGRESS.—Not later than  
12 December 15, 2014, the Administrator shall submit  
13 to the Committees on Armed Services of the House  
14 of Representatives and Senate the report submitted  
15 under paragraph (1) and any comments or rec-  
16 ommendations of the Administrator with respect to  
17 the report.

18 (3) FORM.—The report submitted under para-  
19 graph (1) shall be in unclassified form, but may in-  
20 clude a classified annex.

21 **SEC. 3144. REPORT ON DEFENSE NUCLEAR NON-**  
22 **PROLIFERATION PROGRAMS.**

23 (a) REPORT REQUIRED.—

24 (1) IN GENERAL.—Not later than March 1 of  
25 each year from 2013 through 2015, the Adminis-

1       trator for Nuclear Security shall submit to the ap-  
2       propriate congressional committees a report on the  
3       budget, objectives, and metrics of the defense nu-  
4       clear nonproliferation programs of the National Nu-  
5       clear Security Administration.

6               (2) ELEMENTS.—The report required by para-  
7       graph (1) shall include the following:

8               (A) An identification and explanation of  
9       uncommitted balances that are more than the  
10      acceptable carryover thresholds, as determined  
11      by the Secretary of Energy, on a program-by-  
12      program basis.

13              (B) An identification of foreign countries  
14      that are sharing the cost of implementing de-  
15      fense nuclear nonproliferation programs, includ-  
16      ing an explanation of such cost sharing.

17              (C) A description of objectives and meas-  
18      urements for each defense nuclear nonprolifera-  
19      tion program.

20              (D) A description of the proliferation of  
21      nuclear weapons threat and how each defense  
22      nuclear nonproliferation program activity  
23      counters the threat.

24              (E) A description and assessment of non-  
25      proliferation activities coordinated with the De-

1           partment of Defense to maximize efficiency and  
2           avoid redundancies.

3           (F) A description of how the defense nu-  
4           clear nonproliferation programs are prioritized  
5           to meet the most urgent nonproliferation re-  
6           quirements.

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

10           (1) the Committee on Armed Services and the  
11           Committee on Foreign Affairs of the House of Rep-  
12           resentatives; and

13           (2) the Committee on Armed Services and the  
14           Committee on Foreign Relations of the Senate.

15           (c) FORM.—The report required by subsection (a)(1)  
16   shall be submitted in unclassified form, but may include  
17   a classified annex.

18   **SEC. 3145. STUDY ON REUSE OF PLUTONIUM PITS.**

19           (a) STUDY.—Not later than 120 days after the date  
20   of the enactment of this Act, the Administrator for Nu-  
21   clear Security shall submit to the congressional defense  
22   committees a study of plutonium pits, including—

23           (1) the availability of plutonium pits—

24           (A) as of the date of the report; and

1 (B) after such date as a result of the dis-  
2 mantlement of nuclear weapons; and

3 (2) an assessment of the potential for reusing  
4 plutonium pits in future life extension programs.

5 (b) MATTERS INCLUDED.—The study submitted  
6 under subsection (a) shall include the following:

7 (1) The feasibility and practicability of potential  
8 full or partial reuse options with respect to pluto-  
9 nium pits.

10 (2) The benefits and risks of reusing plutonium  
11 pits.

12 (3) The potential costs and cost savings of such  
13 reuse.

14 (4) The effects of such reuse on the require-  
15 ments for plutonium pit manufacturing.

16 **SEC. 3146. STUDY ON A MULTI-AGENCY GOVERNANCE**  
17 **MODEL FOR NATIONAL SECURITY LABORA-**  
18 **TORIES.**

19 (a) INDEPENDENT ASSESSMENT.—

20 (1) IN GENERAL.—The Administrator for Nu-  
21 clear Security shall commission an independent as-  
22 sessment regarding the transition of the national se-  
23 curity laboratories to multi-agency federally funded  
24 research and development centers with direct  
25 sustainment and sponsorship by multiple national

1 security agencies. The assessment shall be conducted  
2 by an independent, non-governmental institute which  
3 is described in section 501(c)(3) of the Internal Rev-  
4 enue Code of 1986 and exempt from tax under sec-  
5 tion 501(a) of such Code, and has recognized cre-  
6 dentials and expertise in national security science  
7 and engineering laboratories and with ready access  
8 to policy experts throughout the United States.

9 (2) BACKGROUND MATERIAL.—The assessment  
10 shall leverage previous studies, including—

11 (A) the report published in 2009 by the  
12 Stimson Center titled “Leveraging Science for  
13 Security: A Strategy for the Nuclear Weapons  
14 Laboratories in the 21st Century”; and

15 (B) the Phase 1 report published in 2012  
16 by the National Academy of Sciences titled  
17 “Managing for High-Quality Science and Engi-  
18 neering at the NNSA National Security labora-  
19 tories”.

20 (3) ELEMENTS.—The assessment conducted  
21 pursuant to paragraph (1) shall include the fol-  
22 lowing elements:

23 (A) An assessment of a new governance  
24 structure that—

1           (i) gives multiple national security  
2 agencies, including the Department of De-  
3 fense, the Department of Homeland Secu-  
4 rity, the Department of Energy, and the  
5 intelligence community, direct sponsorship  
6 of the national security laboratories as fed-  
7 erally funded research and development  
8 centers so that such agencies have more di-  
9 rect and rapid access to the assets avail-  
10 able at the laboratories and the responsi-  
11 bility to provide sustainable support for the  
12 science and technology needs of the agen-  
13 cies at the laboratories;

14           (ii) reduces costs to the Federal Gov-  
15 ernment for the use of the resources of the  
16 laboratories, while enhancing the steward-  
17 ship of these national resources and maxi-  
18 mizing their service to the nation;

19           (iii) enhances the overall quality of  
20 the scientific research and engineering ca-  
21 pability of the laboratories, including their  
22 ability to recruit and retain top scientists  
23 and engineers; and

24           (iv) maintains as paramount the capa-  
25 bilities required to support the nuclear



1 stockpile stewardship and related nuclear  
2 missions.

3 (B) A recommendation as to which, if any,  
4 other laboratories associated with any national  
5 security agency should be included in the new  
6 governance structure.

7 (C) Options for implementing the new gov-  
8 ernance structure that minimize disruption of  
9 performance and costs to the government while  
10 rapidly achieving anticipated gains.

11 (D) Legislative changes and executive ac-  
12 tions that would need to be made in order to  
13 implement the new governance structure.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than January 1,  
16 2014, the designated private entity shall submit to  
17 the Administrator and the congressional defense  
18 committees a report that contains the findings of the  
19 assessment.

20 (2) FORM.—The report under paragraph (1)  
21 shall be submitted in unclassified form, but may in-  
22 clude a classified annex.

23 (c) DEFINITION.—In this section, the term “national  
24 security laboratory” has the meaning given that term in

1 section 3281 of the National Nuclear Security Administra-  
2 tion Act (50 U.S.C. 2471).

3 **Subtitle E—Other Matters**

4 **SEC. 3151. USE OF PROBABILISTIC RISK ASSESSMENT TO**  
5 **ENSURE NUCLEAR SAFETY.**

6 (a) IN GENERAL.—The Atomic Energy Defense Act  
7 (50 U.S.C. 2501 et seq.) is amended by adding after sec-  
8 tion 4644 the following new section:

9 **“SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO**  
10 **ENSURE NUCLEAR SAFETY OF FACILITIES OF**  
11 **THE ADMINISTRATION AND THE OFFICE OF**  
12 **ENVIRONMENTAL MANAGEMENT.**

13 “(a) NUCLEAR SAFETY AT NNSA AND DOE FACILI-  
14 TIES.—The Administrator and the Secretary of Energy  
15 shall ensure that the methods for assessing, certifying,  
16 and overseeing nuclear safety at the facilities specified in  
17 subsection (b) use national and international standards  
18 and nuclear industry best practices, including probabilistic  
19 or quantitative risk assessment if sufficient data exists.

20 “(b) FACILITIES SPECIFIED.—Subsection (a) shall  
21 apply—

22 “(1) to the Administrator with respect to the  
23 national security laboratories and the nuclear weap-  
24 ons production facilities; and

1 “(2) to the Secretary of Energy with respect to  
 2 defense nuclear facilities of the Office of Environ-  
 3 mental Management of the Department of Energy.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
 5 at the beginning of the Atomic Energy Defense Act is  
 6 amended by inserting after the item relating to section  
 7 4644 the following new item:

“Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of fa-  
 cilities of the Administration and the Office of Environmental  
 Management.”.

8 **SEC. 3152. ADVICE TO PRESIDENT AND CONGRESS REGARD-**  
 9 **ING SAFETY, SECURITY, AND RELIABILITY OF**  
 10 **UNITED STATES NUCLEAR WEAPONS STOCK-**  
 11 **PILE AND NUCLEAR FORCES.**

12 (a) IN GENERAL.—Section 1305 of the National De-  
 13 fense Authorization Act for Fiscal Year 1998 (42 U.S.C.  
 14 7274p) is—

15 (1) transferred to the Atomic Energy Defense  
 16 Act (50 U.S.C. 2501 et seq.);

17 (2) inserted after section 4215 of such Act, as  
 18 added by section 3142(a);

19 (3) redesignated as section 4216; and

20 (4) amended—

21 (A) by amending subsection (f) to read as  
 22 follows:

23 “(f) EXPRESSION OF INDIVIDUAL VIEWS.—No indi-  
 24 vidual, including representatives of the President, may

1 take any action against, or otherwise constrain, a director  
2 of a national security laboratory or a nuclear weapons pro-  
3 duction facility, a member of the Joint Nuclear Weapons  
4 Council, or the Commander of United States Strategic  
5 Command from presenting the professional views of the  
6 individual to the President, the National Security Council,  
7 or Congress regarding—

8           “(1) the safety, security, reliability, or credi-  
9           bility of the nuclear weapons stockpile and nuclear  
10          forces; or

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

14           (B) by redesignating subsection (g) as sub-  
15          section (h); and

16           (C) by inserting after subsection (f) the  
17          following new subsection (g):

18          “(g) DELIVERY OF CLASSIFIED INFORMATION TO  
19 CONGRESS.—(1) The directors of the national security  
20 laboratories, the directors of the nuclear weapons produc-  
21 tion facilities, the members of the Joint Nuclear Weapons  
22 Council, and the Commander of the United States Stra-  
23 tegic Command are each authorized to provide directly to  
24 Congress classified information with respect to matters de-  
25 scribed by paragraph (1) or (2) of subsection (f).

1       “(2) The Administrator and Secretary of Defense  
2 shall ensure that direct classified mail channels are estab-  
3 lished between the national security laboratories, nuclear  
4 weapons production facilities, members of the Joint Nu-  
5 clear Weapons Council, the United States Strategic Com-  
6 mand, and the congressional defense committees to carry  
7 out this subsection.”.

8       (b) CONFORMING AMENDMENT.—Section 4215 of the  
9 Atomic Energy Defense Act, as added by subsection (a),  
10 is amended—

11           (1) by striking “nuclear weapons laboratories”  
12 each place it appears and inserting “national secu-  
13 rity laboratories”;

14           (2) by striking “nuclear weapons laboratory”  
15 each place it appears and inserting “national secu-  
16 rity laboratory”;

17           (3) by striking “nuclear weapons production  
18 plants” each place it appears and inserting “nuclear  
19 weapons production facilities”;

20           (4) by striking “nuclear weapons production  
21 plant” each place it appears and inserting “nuclear  
22 weapons production facility”; and

23           (5) by amending subsection (h), as redesignated  
24 by subsection (a)(4)(B), to read as follows:

1       “(h) REPRESENTATIVE OF THE PRESIDENT DE-  
2 FINED.—In this section, the term ‘representative of the  
3 President’ means the following:

4               “(1) Any official of the Department of Defense  
5 or the Department of Energy who is appointed by  
6 the President and confirmed by the Senate.

7               “(2) Any member or official of the National Se-  
8 curity Council.

9               “(3) Any member or official of the Joint Chiefs  
10 of Staff.

11              “(4) Any official of the Office of Management  
12 and Budget.”.

13       (c) CLERICAL AMENDMENT.—The table of contents  
14 at the beginning of the Atomic Energy Defense Act is  
15 amended by inserting after the item relating to section  
16 4215 the following new item:

“Sec. 4216. Advice to President and Congress regarding safety, security, and  
reliability of United States nuclear weapons stockpile.”.

17 **SEC. 3153. CLASSIFICATION OF CERTAIN RESTRICTED**  
18 **DATA.**

19       Section 142 of the Atomic Energy Act of 1954 (42  
20 U.S.C. 2162) is amended—

21               (1) in subsection d.—

22                       (A) by inserting “(1)” before “The Com-  
23 mission”; and

24                       (B) by adding at the end the following:

1       “(2) The Commission may restore to the Restricted  
2 Data category information related to the design of nuclear  
3 weapons (in this subsection referred to as ‘design informa-  
4 tion’) removed under paragraph (1) if the Commission and  
5 the Department of Defense jointly determines that—

6           “(A) the programmatic requirements that  
7 caused the design information to be removed from  
8 the Restricted Data category are no longer applica-  
9 ble or have diminished;

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

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

15       “(3) In carrying out paragraph (2), design informa-  
16 tion shall be restored to the Restricted Data category in  
17 accordance with regulations implemented pursuant to this  
18 section.”; and

19           (2) in subsection e.—

20           (A) by inserting “(1)” before “The Com-  
21 mission”;

22           (B) by striking “Central” and inserting  
23 “National”; and

24           (C) by adding at the end the following:

1       “(2) The Commission may restore to the Restricted  
 2 Data category information related to foreign nuclear pro-  
 3 grams (in this subsection referred to as ‘foreign nuclear  
 4 information’) removed under paragraph (1) if the Com-  
 5 mission and the Director of National Intelligence jointly  
 6 determine that—

7           “(A) the programmatic requirements that  
 8 caused the foreign nuclear information to be re-  
 9 moved from the Restricted Data category are no  
 10 longer applicable or have diminished;

11          “(B) the foreign nuclear information would be  
 12 more appropriately protected as Restricted Data;  
 13 and

14          “(C) restoring the foreign nuclear information  
 15 to the Restricted Data category is in the interest of  
 16 national security.

17       “(3) In carrying out paragraph (2), foreign nuclear  
 18 information shall be restored to the Restricted Data cat-  
 19 egory in accordance with regulations implemented pursu-  
 20 ant to this section.”.

21 **SEC. 3154. INDEPENDENT COST ASSESSMENTS FOR LIFE**  
 22 **EXTENSION PROGRAMS, NEW NUCLEAR FA-**  
 23 **CILITIES, AND OTHER MATTERS.**

24       (a) COST ASSESSMENT.—To inform the decisions  
 25 made by the Nuclear Weapons Council established by sec-



tion 179 of title 10, United States Code, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Administrator for Nuclear Security, shall assess the cost of options and alternatives for—

(1) new nuclear weapon life extension programs; and

(2) new nuclear facilities within the nuclear security enterprise that are estimated to cost more than \$500,000,000.

(b) REPORT.—Not later than 30 days after the date on which each assessment conducted under subsection (a) is completed, the Administrator for Nuclear Security and the Secretary of Defense shall jointly submit to the congressional defense committees a report containing the results of such assessment.

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

(d) AUTHORITY FOR FURTHER ASSESSMENTS.—Upon the request of the Administrator for Nuclear Security, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct a cost assessment of any initiative of the National Nuclear Security

1 Administration that is estimated to cost more than  
2 \$500,000,000.

3 **SEC. 3155. ASSESSMENT OF NUCLEAR WEAPON PIT PRO-**  
4 **DUCTION REQUIREMENT.**

5 (a) ASSESSMENT.—The Secretary of Defense and the  
6 Secretary of Energy, in coordination with the Commander  
7 of the United States Strategic Command, shall jointly as-  
8 sess the annual plutonium pit production requirement  
9 needed to sustain a safe, secure, and reliable nuclear  
10 weapon arsenal.

11 (b) REPORTS.—

12 (1) IN GENERAL.—Not later than 180 days  
13 after the date of the enactment of this Act, the Sec-  
14 retary of Defense and the Secretary of Energy shall  
15 jointly submit to the congressional defense commit-  
16 tees a report regarding the assessment conducted  
17 under section (a), including—

18 (A) an explanation of the rationale and as-  
19 sumptions that led to the current 50 to 80 plu-  
20 tonium pit production requirement, including  
21 the factors considered in determining such re-  
22 quirement;

23 (B) an analysis of whether there are any  
24 changes to the current 50 to 80 plutonium pit

1 production requirement, including the reasons  
2 for any such changes;

3 (C) the implications for national security,  
4 for maintaining the nuclear weapons stockpile  
5 (including the impact on options available for  
6 life extension programs), and for costs of hav-  
7 ing pit production capacity at—

8 (i) 10 to 20 pits per year;

9 (ii) 20 to 30 pits per year;

10 (iii) 30 to 50 pits per year; and

11 (iv) 50 to 80 pits per year; and

12 (D) the implications of various pit produc-  
13 tion capacities on the requirements for the nu-  
14 clear weapon hedge or reserve forces of the  
15 United States.

16 (2) UPDATE.—If the report under paragraph  
17 (1) does not incorporate the results of the Nuclear  
18 Posture Review Implementation Study, the Sec-  
19 retary of Defense and the Secretary of Energy, in  
20 coordination with the Commander of the United  
21 States Strategic Command, shall jointly submit to  
22 the congressional defense committees an update to  
23 the report under paragraph (1) that incorporates the  
24 results of such study by not later than 90 days after

1 the date on which such committees receive such  
2 study.

3 (c) FORM.—The reports under paragraphs (1) and  
4 (2) of subsection (b) shall be submitted in unclassified  
5 form, but may include a classified annex.

6 **SEC. 3156. INTELLECTUAL PROPERTY RELATED TO URA-**  
7 **NIUM ENRICHMENT.**

8 (a) IN GENERAL.—Subject to subsection (b), of the  
9 funds authorized to be appropriated by this Act or other-  
10 wise made available for fiscal year 2013 for defense nu-  
11 clear nonproliferation, the Secretary of Energy may make  
12 available not more than \$150,000,000 for the development  
13 and demonstration of domestic national-security-related  
14 enrichment technologies as provided in subsection (c).

15 (b) CERTIFICATION.—Not later than 30 days before  
16 the date on which the Secretary makes an amount avail-  
17 able under subsection (a), the Secretary shall submit to  
18 the congressional defense committees—

19 (1) written certification that such amount is  
20 needed for national security purposes; and

21 (2) a description of such purposes.

22 (c) ADMINISTRATION.—An amount made available by  
23 the Secretary under subsection (a) shall be used to pro-  
24 vide, directly or indirectly, Federal funds, resources, or  
25 other assistance for the research, development, or deploy-

1 ment of domestic national-security-related enrichment  
2 technology, subject to the following requirements:

3 (1) The Secretary shall provide such assistance  
4 using merit selection procedures.

5 (2) The Secretary may provide such assistance  
6 only if the Secretary executes an agreement with the  
7 recipient (or any affiliate, successor, or assignee) of  
8 such funds, resources, or other assistance (in this  
9 section referred to as the “recipient”) that re-  
10 quires—

11 (A) the achievement of specific technical  
12 criteria by the recipient by specific dates not  
13 later than June 30, 2014;

14 (B) that the recipient—

15 (i) immediately upon execution of the  
16 agreement, grant to the United States for  
17 use by or on behalf of the United States,  
18 through the Secretary, a royalty-free, non-  
19 exclusive license in all enrichment-related  
20 intellectual property and associated tech-  
21 nical data owned, licensed, or otherwise  
22 controlled by the recipient as of the date of  
23 the enactment of this Act, or thereafter de-  
24 veloped or acquired to meet the require-  
25 ments of the agreement;

- 1                   (ii) amend any existing agreement be-  
2                   tween the Secretary and the recipient to  
3                   permit the Secretary to use or permit third  
4                   parties on behalf of the Secretary to use  
5                   intellectual property and associated tech-  
6                   nical data related to the award of funds,  
7                   resources, or other assistance royalty-free  
8                   for Government purposes, including com-  
9                   pleting or operating enrichment tech-  
10                  nologies and using them for national de-  
11                  fense purposes, including providing nuclear  
12                  material to operate commercial nuclear  
13                  power reactors for tritium production; and  
14                  (iii) as soon as practicable, deliver to  
15                  the Secretary all technical information and  
16                  other documentation in its possession or  
17                  control necessary to permit the Secretary  
18                  to use all intellectual property related to  
19                  domestic enrichment technologies described  
20                  in this subparagraph; and  
21                  (C) any other condition or restriction the  
22                  Secretary determines necessary to protect the  
23                  interests of the United States.  
24                  (d) CONTROL OF PROPERTY.—If the Secretary deter-  
25                  mines that a recipient has not achieved the technical cri-

1   teria required under an agreement under subsection (c)(2)  
 2   by the date specified pursuant to subparagraph (A) of  
 3   such subsection, the recipient shall, as soon as practicable,  
 4   surrender custody, possession, and control, or return, as  
 5   appropriate, any real or personal property owned or leased  
 6   by the recipient, to the Secretary in connection with the  
 7   deployment of enrichment technology, along with all cap-  
 8   ital improvements, equipment, fixtures, appurtenances,  
 9   and other improvements thereto, and any further obliga-  
 10   tion by the Secretary under any such lease shall terminate.

11       (e) APPLICATION OF REQUIREMENTS.—The limita-  
 12   tions and requirements in this section shall apply to funds  
 13   authorized to be appropriated by this Act or otherwise  
 14   made available for fiscal year 2013 or any fiscal year  
 15   thereafter for the development and demonstration of do-  
 16   mestic national security-related enrichment technology.

17       (f) EXCEPTION.—Subsections (c) and (d) shall not  
 18   apply with respect to the issuance of any loan guarantee  
 19   pursuant to section 1703 of the Energy Policy Act of 2005  
 20   (42 U.S.C. 16513).

21   **SEC. 3157. SENSE OF CONGRESS ON COMPETITION AND**  
 22                   **FEES RELATED TO THE MANAGEMENT AND**  
 23                   **OPERATING CONTRACTS OF THE NUCLEAR**  
 24                   **SECURITY ENTERPRISE.**

25       It is the sense of Congress that—

1           (1) in the past decade, competition of the man-  
2           agement and operating contracts for the national se-  
3           curity laboratories has resulted in significant in-  
4           creases in fees paid to the contractors—funding that  
5           otherwise could be used to support program and  
6           mission activities of the National Nuclear Security  
7           Administration;

8           (2) competition of the management and oper-  
9           ating contracts of the nuclear security enterprise is  
10          an important mechanism to help realize cost savings,  
11          seek efficiencies, improve performance, and hold con-  
12          tractors accountable;

13          (3) when the Administrator for Nuclear Secu-  
14          rity considers it appropriate to achieve these goals,  
15          the Administrator should conduct competition of  
16          these contracts while recognizing the unique nature  
17          of federally funded research and development cen-  
18          ters; and

19          (4) the Administrator should ensure that fixed  
20          fees and performance-based fees contained in man-  
21          agement and operating contracts are as low as pos-  
22          sible to maintain a focus on national service while  
23          attracting high-quality contractors and achieving the  
24          goals of the competition.



1 **SEC. 3158. PILOT PROGRAM ON TECHNOLOGY COMMER-**  
2 **CIALIZATION.**

3 (a) PILOT PROGRAM.—The Secretary of Energy, in  
4 consultation with the Technology Transfer Coordinator  
5 appointed under section 1001(a) of the Energy Policy Act  
6 of 2005 (42 U.S.C. 16391(a)), may carry out a competi-  
7 tively awarded pilot program involving one non-profit enti-  
8 ty and a national laboratory within the National Nuclear  
9 Security Administration for the purpose of accelerating  
10 technology transfer from national laboratories to the mar-  
11 ketplace.

12 (b) SELECTION OF ENTITY AND NATIONAL LABORA-  
13 TORY.—In carrying out a pilot program under subsection  
14 (a), the Secretary of Energy and the Technology Transfer  
15 Coordinator shall jointly select a non-profit entity and a  
16 national laboratory for the purpose of carrying out the  
17 pilot program under this section. In making such selec-  
18 tions, the Secretary and Coordinator shall consider each  
19 of the following:

20 (1) A commitment to participate made by a na-  
21 tional laboratory within the National Nuclear Secu-  
22 rity Administration being considered for selection.

23 (2) The availability of technologies, licenses, in-  
24 tellectual property, and other matters at a national  
25 laboratory being considered for selection.

1       (c) PROGRAM ELEMENTS.—The pilot program shall  
2 be carried out as follows:

3           (1) Under the pilot program, the Secretary and  
4 the Coordinator shall evaluate and validate the per-  
5 formance of technology transfer activities at the se-  
6 lected laboratory.

7           (2) The pilot program shall involve collabora-  
8 tion with other offices and agencies within the De-  
9 partment of Energy and the National Nuclear Secu-  
10 rity Administration.

11          (3) Under the pilot program, the non-profit en-  
12 tity selected to carry out the pilot program shall  
13 work to create business startups and increase the  
14 number of cooperative research and development  
15 agreements and sponsored research projects at the  
16 selected laboratory. The non-profit entity shall work  
17 with interested businesses in identifying appropriate  
18 technologies at the national laboratory and facili-  
19 tating the commercialization process.

20          (4) The Secretary of Energy and the Coordi-  
21 nator shall use the results of the pilot program as  
22 the basis for informing key performance parameters  
23 and strategies that could be implemented in various  
24 national laboratories across the country.

1 (d) DURATION.—A pilot program carried out under  
2 subsection (a) shall be not more than two years in dura-  
3 tion.

4 (e) REPORTS.—

5 (1) INITIAL REPORTS.—Not later than one year  
6 after the date on which a pilot program under sub-  
7 section (a) begins, the Secretary of Energy shall  
8 submit to the Committees on Armed Services of the  
9 Senate and House of Representatives, the Com-  
10 mittee on Science and Technology in the House of  
11 Representatives, and the Committee on Commerce,  
12 Science and Transportation in the Senate, a report  
13 that provides an update on the implementation of  
14 the pilot program under this section, including an  
15 identification of the selected non-profit entity and  
16 national laboratory.

17 (2) FINAL REPORT.—Not later than 90 days  
18 after the completion of the pilot program, the Sec-  
19 retary shall submit to the Committees on Armed  
20 Services of the Senate and House of Representa-  
21 tives, the Committee on Science and Technology in  
22 the House of Representatives, and the Committee on  
23 Commerce, Science and Transportation of the Sen-  
24 ate a report on the pilot program, including any  
25 findings and recommendations of the Secretary. The

1 non-profit entity shall submit a report detailing its  
2 experiences working with the laboratory and submit  
3 recommendations for improvement of technology  
4 commercialization.

5 (f) DEFINITIONS.—In this section, the term “na-  
6 tional laboratory” means—

7 (1) a national laboratory (as defined in section  
8 2 of the Energy Policy Act of 2005 (42 U.S.C.  
9 15801)); or

10 (2) a national security laboratory (as defined in  
11 section 3281 of the National Nuclear Security Ad-  
12 ministration Act (50 U.S.C. 2471)).

13 **TITLE XXXII—DEFENSE NU-**  
14 **CLEAR FACILITIES SAFETY**  
15 **BOARD**

16 **SEC. 3201. AUTHORIZATION.**

17 There is authorized to be appropriated for fiscal year  
18 2013 \$31,415,000 for the operation of the Defense Nu-  
19 clear Facilities Safety Board under chapter 21 of the  
20 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

21 **SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FA-**  
22 **CILITIES SAFETY BOARD.**

23 (a) ESTABLISHMENT.—Section 311 of the Atomic  
24 Energy Act of 1954 (42 U.S.C. 2286) is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (3), by striking “Energy  
2 or any contractor of the Department of En-  
3 ergy” and inserting “Energy, the National Nu-  
4 clear Security Administration, or any contractor  
5 of the Department or Administration”; and

6 (B) by striking paragraph (4);

7 (2) in subsection (c)—

8 (A) in the heading, by striking “AND VICE  
9 CHAIRMAN” and inserting “, VICE CHAIRMAN,  
10 AND MEMBERS”;

11 (B) in paragraph (2), by striking “The  
12 Chairman” and inserting “In accordance with  
13 paragraphs (5) and (6), the Chairman”; and

14 (C) by adding at the end the following new  
15 paragraphs:

16 “(5) Each member of the Board, including the Chair-  
17 man and Vice Chairman, shall—

18 “(A) have equal responsibility and authority in  
19 establishing decisions and determining actions of the  
20 Board regarding recommendations, budgets, senior  
21 staff, hearings and witnesses, investigations, sub-  
22 poenas, and setting policies and regulations gov-  
23 erning operations of the Board;

1           “(B) have full, simultaneous access to all infor-  
2           mation relating to the performance of the Board’s  
3           functions, powers, and mission; and

4           “(C) have one vote.

5           “(6) Any member of the Board may propose an indi-  
6           vidual to be appointed to a senior staff position of the  
7           Board and require a determination by the Board under  
8           paragraph (5)(A) on whether such individual shall be ap-  
9           pointed.”;

10           (3) in subsection (d)—

11                   (A) in paragraph (1), by striking “Except  
12                   as provided under paragraph (2), the” and in-  
13                   serting “The”;

14                   (B) by striking paragraph (2); and

15                   (C) by redesignating paragraph (3) as  
16                   paragraph (2); and

17           (4) by amending subsection (e) to read as fol-  
18           lows:

19           “(e) QUORUM.—(1) Three members of the Board  
20           shall constitute a quorum.

21           “(2) A quorum shall be required to take the actions  
22           of the Board described in subsection (c)(5)(A).”.

23           (b) MISSION AND FUNCTIONS.—

1           (1) IN GENERAL.—Section 312 of the Atomic  
2       Energy Act of 1954 (42 U.S.C. 2286a) is amend-  
3       ed—

4           (A) in the heading, by inserting “**MISSION**  
5       **AND**” before “**FUNCTIONS**”;

6           (B) by redesignating subsections (a) and  
7       (b) as subsections (b) and (c), respectively;

8           (C) by inserting before subsection (b), as  
9       so redesignated, the following new subsection  
10      (a):

11      “(a) MISSION.—The mission of the Board shall be  
12      to provide independent analysis, advice, and recommenda-  
13      tions to the Secretary of Energy to ensure the adequate  
14      protection of public health and safety at defense nuclear  
15      facilities of the Department of Energy. Such analysis, ad-  
16      vice, and recommendations shall be based upon risk when-  
17      ever sufficient data exists.”;

18           (D) in subsection (b), as so redesignated—

19           (i) in the heading, by striking “IN  
20       GENERAL” and inserting “FUNCTIONS”;  
21       and

22           (ii) in paragraph (5)—

23           (I) by inserting “, and specifi-  
24       cally assess risk (whenever sufficient

1 data exists),” after “shall consider”;  
2 and  
3 (II) by inserting “, the costs and  
4 benefits, and the practicability” after  
5 “economic feasibility”.

6 (2) CLERICAL AMENDMENT.—The table of con-  
7 tents for the Atomic Energy Act of 1954 is amended  
8 by striking the item relating to section 312 and in-  
9 serting the following new item:

“Sec. 312. Mission and functions of the board.”.

10 (c) POWERS.—Section 313 of the Atomic Energy Act  
11 of 1954 (42 U.S.C. 2286b) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “or a  
14 member authorized by the Board”; and

15 (B) in paragraph (2)(A), by striking the  
16 first sentence and inserting the following: “Sub-  
17 poenas may be issued only with the approval of  
18 a majority of the members of the Board and  
19 shall be served by any person designated by the  
20 Chairman, any member, or any person as other-  
21 wise provided by law.”; and

22 (2) in subsection (b), by adding at the end the  
23 following new paragraph:

24 “(3) Of the funds appropriated to the Board to carry  
25 out this chapter, each member of the Board, other than



1 the Chairman, may employ at least one technical advisor  
2 to serve in the immediate office of the member to provide  
3 assistance to the member in carrying out the responsibil-  
4 ities of the member under this chapter. If employed in the  
5 immediate office of a member, such advisor shall report  
6 to such member and, notwithstanding section  
7 311(c)(2)(A), may not be subject to the appointment, di-  
8 rection, or supervision of the Chairman.”; and

9 (3) in subsection (j)(2), by striking “section  
10 312(1)” and inserting “section 312(b)(1)”.

11 (d) BOARD RECOMMENDATIONS.—Section 315 of the  
12 Atomic Energy Act of 1954 (42 U.S.C. 2286d) is amended  
13 to read as follows:

14 **“SEC. 315. BOARD RECOMMENDATIONS.**

15 “(a) DRAFTS AND SUBMISSION OF RECOMMENDA-  
16 TIONS.—(1) Subject to subsections (f) and (g), the Board  
17 shall submit to the Secretary of Energy a draft of any  
18 recommendations under section 312 and any related find-  
19 ings, supporting data, and analyses before the date on  
20 which such recommendations are finalized.

21 “(2) The Secretary may provide to the Board com-  
22 ments on the recommendations not later than 45 days  
23 after the date on which the Secretary receives the draft  
24 submission of the Board under paragraph (1). The Board  
25 may grant, upon request by the Secretary, not more than

1 an additional 30 days for the Secretary to submit com-  
2 ments to the Board.

3 “(3) After the period of time in which the Secretary  
4 may provide recommendations under paragraph (2)  
5 elapses, the Board may publish in the Federal Register  
6 either the original or a revised version of the recommenda-  
7 tions based on the comments of the Secretary, together  
8 with a request for the submission to the Board of public  
9 comments on such recommendations. Interested persons  
10 shall have 30 days after the date of publication in which  
11 to submit comments, data, views, or arguments to the  
12 Board concerning the recommendations. The Board shall  
13 furnish the Secretary with copies of all comments, data,  
14 views, and arguments submitted to it under this para-  
15 graph.

16 “(b) DISPOSITION OF RECOMMENDATIONS.—(1) Not  
17 later than 60 days after publication of the recommenda-  
18 tions under subsection (a)(3), the Secretary of Energy  
19 shall publish in the Federal Register and transmit to the  
20 Board, in writing, a statement of the final decision of the  
21 Secretary with respect to whether the Secretary accepts  
22 or rejects, in whole or in part, such recommendations, in-  
23 cluding a description of any actions to be taken in re-  
24 sponse to the recommendations, any expected schedule,  
25 cost, technical, or program impacts of such recommenda-

1 tions, and the views of the Secretary regarding such rec-  
2 ommendations. The Board may grant, upon request by the  
3 Secretary, not more than an additional 30 days for the  
4 Secretary to transmit such statement to the Board.

5 “(2) The Board may hold hearings for the purpose  
6 of obtaining public comments on its recommendations and  
7 the disposition of such recommendations by the Secretary  
8 of Energy.

9 “(c) REJECTION OF RECOMMENDATIONS.—If the  
10 Secretary of Energy, in a statement under subsection  
11 (b)(1), rejects (in whole or part) any recommendation  
12 made by the Board under subsection (a), the Board may  
13 transmit to the Secretary and the Committees on Armed  
14 Services and Appropriations of the Senate and the House  
15 of Representatives a letter describing the views and per-  
16 spectives of the Board regarding the Secretary’s disposi-  
17 tion of the Board’s recommendations.

18 “(d) IMPLEMENTATION PLAN.—The Secretary of En-  
19 ergy shall prepare a plan for the implementation of each  
20 Board recommendation, or part of a recommendation, that  
21 is accepted by the Secretary in the statement under sub-  
22 section (b)(1). Not later than 120 days after the date on  
23 which such statement is published, the Secretary shall  
24 transmit to the Board such implementation plan. The Sec-  
25 retary may implement any such recommendation (or part

1 of any such recommendation) before, on, or after the date  
2 on which the Secretary transmits the implementation plan  
3 to the Board under this subsection.

4 “(e) IMPLEMENTATION.—(1) Subject to paragraph  
5 (2), not later than one year after the date on which the  
6 Secretary of Energy transmits an implementation plan  
7 with respect to a recommendation (or part thereof) under  
8 subsection (d), the Secretary shall carry out and complete  
9 the implementation plan. If complete implementation of  
10 the plan takes more than one year, the Secretary of En-  
11 ergy shall submit a report to the Committees on Armed  
12 Services and on Appropriations of the Senate and the  
13 House of Representatives setting forth the reasons for the  
14 delay and when implementation will be completed.

15 “(2) If the Secretary of Energy determines that the  
16 implementation of a Board recommendation (or part  
17 thereof) is impracticable because of budgetary consider-  
18 ations, or that the implementation would affect the Sec-  
19 retary’s ability to meet the annual nuclear weapons stock-  
20 pile requirements established pursuant to section 91 of  
21 this Act, the Secretary shall submit to the President and  
22 the Committees on Armed Services and Appropriations of  
23 the Senate and the House of Representatives a report con-  
24 taining the recommendation and the Secretary’s deter-  
25 mination.

1       “(f) IMMINENT OR SEVERE THREAT.—(1) In any  
2 case in which the Board determines that a recommenda-  
3 tion submitted to the Secretary of Energy under section  
4 312 relates to an imminent or severe threat to public  
5 health and safety, the Board and the Secretary of Energy  
6 shall proceed under this subsection in lieu of subsections  
7 (a) and (b).

8       “(2) The Board shall transmit to the President, the  
9 Secretary of Defense, and the Secretary of Energy a rec-  
10 ommendation relating to an imminent or severe threat to  
11 public health and safety. Not later than 15 days after the  
12 date on which such recommendation is received, the Sec-  
13 retary of Energy shall submit the comments and views of  
14 the Secretary to the President. The President shall review  
15 such comments and views and shall make the decision con-  
16 cerning the acceptance or rejection of the Board’s rec-  
17 ommendation.

18       “(3) After receipt by the President of the rec-  
19 ommendation from the Board under this subsection, the  
20 Board shall promptly make such recommendation avail-  
21 able to the public and shall submit such recommendation  
22 to the Committees on Armed Services and Appropriations  
23 of the Senate and the House of Representatives. The  
24 President shall promptly notify such committees of the de-

1 cision made by the President under paragraph (2) and the  
2 reasons for that decision.

3 “(g) LIMITATION.—Notwithstanding any other provi-  
4 sion of this section, the requirements to make information  
5 available to the public under this section—

6 “(1) shall not apply in the case of information  
7 that is classified; and

8 “(2) shall be subject to the orders and regula-  
9 tions issued by the Secretary of Energy under sec-  
10 tions 147 and 148 of this Act to prohibit dissemina-  
11 tion of certain information.”.

12 (e) REPORTS.—Section 316 of the Atomic Energy  
13 Act of 1954 (42 U.S.C. 2286e) is amended by striking  
14 “to the Speaker of” each place it appears.

15 (f) INFORMATION TO CONGRESS.—Section 320 of the  
16 Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is  
17 amended by striking “the Congress” and inserting “Com-  
18 mittees on Armed Services and Appropriations of the Sen-  
19 ate and the House of Representatives”.

20 (g) INSPECTOR GENERAL.—Chapter 21 of the Atom-  
21 ic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amend-  
22 ed by adding at the end the following new section:

1 **“SEC. 322. INSPECTOR GENERAL.**

2 “The Board shall enter into an agreement with an  
3 agency of the Federal Government to procure the services  
4 of the Inspector General of such agency for the Board.”.

5 (h) SAFETY STANDARDS.—Nothing in this section  
6 nor in the amendments made by this section shall be con-  
7 strued to cause a reduction in nuclear safety standards.

8 **TITLE XXXIV—NAVAL**  
9 **PETROLEUM RESERVES**

10 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) AMOUNT.—There are hereby authorized to be ap-  
12 propriated to the Secretary of Energy \$14,909,000 for fis-  
13 cal year 2013 for the purpose of carrying out activities  
14 under chapter 641 of title 10, United States Code, relating  
15 to the naval petroleum reserves.

16 (b) PERIOD OF AVAILABILITY.—Funds appropriated  
17 pursuant to the authorization of appropriations in sub-  
18 section (a) shall remain available until expended.

19 **TITLE XXXV—MARITIME**  
20 **ADMINISTRATION**

21 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NA-**  
22 **TIONAL SECURITY ASPECTS OF THE MER-**  
23 **CHANT MARINE FOR FISCAL YEAR 2013.**

24 Funds are hereby authorized to be appropriated for  
25 fiscal year 2013, to be available without fiscal year limita-  
26 tion if so provided in appropriations Acts, for the use of

1 the Department of Transportation for Maritime Adminis-  
2 tration programs associated with maintaining national se-  
3 curity aspects of the merchant marine, as follows:

4 (1) For expenses necessary for operations of the  
5 United States Merchant Marine Academy,  
6 \$77,253,000, of which—

7 (A) \$67,253,000 shall remain available  
8 until expended for Academy operations; and

9 (B) \$10,000,000 shall remain available  
10 until expended for capital asset management at  
11 the Academy.

12 (2) For expenses necessary to support the State  
13 maritime academies, \$16,045,000, of which—

14 (A) \$2,400,000 shall remain available until  
15 expended for student incentive payments;

16 (B) \$2,545,000 shall remain available until  
17 expended for direct payments to such acad-  
18 emies; and

19 (C) \$11,100,000 shall remain available  
20 until expended for maintenance and repair of  
21 State maritime academy training vessels.

22 (3) For expenses necessary to dispose of vessels  
23 in the National Defense Reserve Fleet, \$12,717,000,  
24 to remain available until expended.



1           (4) For expenses to maintain and preserve a  
2       United States-flag merchant marine to serve the na-  
3       tional security needs of the United States under  
4       chapter 531 of title 46, United States Code,  
5       \$186,000,000.

6           (5) For the cost (as defined in section 502(5)  
7       of the Federal Credit Reform Act of 1990 (2 U.S.C.  
8       6661a(5)) of loan guarantees under the program au-  
9       thorized by chapter 537 of title 46, United States  
10      Code, \$3,750,000, all of which shall remain available  
11      until expended for administrative expenses of the  
12      program.

13 **SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION**  
14 **REGULATION.**

15       Section 3502(b) of the Floyd D. Spence National De-  
16      fense Authorization Act for Fiscal Year 2001, as enacted  
17      into law by Public Law 106–398 (114 Stat. 1645A–490),  
18      is amended by striking “the enactment of this Act” and  
19      inserting “contract award”.

20 **SEC. 3503. LIMITATION OF NATIONAL DEFENSE RESERVE**  
21 **FLEET VESSELS TO THOSE OVER 1,500 GROSS**  
22 **TONS.**

23       Section 57101(a) of title 46, United States Code, is  
24      amended by inserting “of 1,500 gross tons or more or such

1 other vessels as the Secretary of Transportation shall de-  
2 termine are appropriate” after “Administration”.

3 **SEC. 3504. DONATION OF EXCESS FUEL TO MARITIME**  
4 **ACADEMIES.**

5 Section 51103(b)(1) of title 46, United States Code,  
6 is amended by striking so much as precedes paragraph  
7 (2) and inserting the following:

8 “(b) PROPERTY FOR INSTRUCTIONAL PURPOSES.—

9 “(1) IN GENERAL.—The Secretary of Transpor-  
10 tation may cooperate with and assist the institutions  
11 named in paragraph (2) by making vessels, fuel,  
12 shipboard equipment, and other marine equipment,  
13 owned by the United States Government and deter-  
14 mined by the entity having custody and control of  
15 such property to be excess or surplus, available to  
16 those institutions for instructional purposes, by gift,  
17 loan, sale, lease, or charter on terms and conditions  
18 the Secretary considers appropriate. The consent of  
19 the Secretary of Navy shall be obtained with respect  
20 to any property from National Defense Reserve  
21 Fleet vessels, 50 U.S.C. App. 1744, where such ves-  
22 sels are either Ready Reserve Force vessels or other  
23 National Defense Reserve Fleet vessels determined  
24 to be of sufficient value to the Navy to warrant their  
25 further preservation and retention.”.

1 **SEC. 3505. CLARIFICATION OF HEADING.**

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

5 **“§ 57103. Donation of nonretention vessels in the na-  
6 tional defense reserve fleet”.**

7 (b) CONFORMING AMENDMENT.—The item relating  
8 to section 57103 in the analysis of chapter 571 of such  
9 title is amended to read as follows:

“57103. Donation of nonretention vessels in the national defense reserve fleet.”.

10 **SEC. 3506. TRANSFER OF VESSELS TO THE NATIONAL DE-  
11 FENSE RESERVE FLEET.**

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

14 **“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANS-  
15 FER VESSELS.—All Federal entities are authorized to  
16 transfer vessels to the National Defense Reserve Fleet  
17 without reimbursement subject to the approval of the Sec-  
18 retary of Transportation and the Secretary of the Navy  
19 with respect to Ready Reserve Force vessels and the Sec-  
20 retary of Transportation with respect to all other vessels.”.**

21 **SEC. 3507. AMENDMENTS RELATING TO THE NATIONAL DE-  
22 FENSE RESERVE FLEET.**

23 Subparagraphs (B), (C), and (D) of sections 11(c)(1)  
24 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App.  
25 1744(c)(1)) are amended to read as follows:

1           “(B) activate and conduct sea trials on  
2           each vessel at a frequency that is deemed nec-  
3           essary;

4           “(C) maintain and adequately crew, as  
5           necessary, in an enhanced readiness status  
6           those vessels that are scheduled to be activated  
7           in 5 or less days;

8           “(D) locate those vessels that are sched-  
9           uled to be activated near embarkation ports  
10          specified for those vessels; and”.

11 **SEC. 3508. EXTENSION OF MARITIME SECURITY FLEET PRO-**  
12 **GRAM.**

13          (a) Section 53101 of title 46, United States Code,  
14          is amended—

15               (1) by amending paragraph (4) to read as fol-  
16          lows:

17               “(4) FOREIGN COMMERCE.—The term foreign  
18          commerce means—

19                       “(A) commerce or trade between the  
20                       United States, its territories or possessions, or  
21                       the District of Columbia, and a foreign country;  
22                       and

23                       “(B) commerce or trade between foreign  
24                       countries.”;

25               (2) by striking paragraph (5);

1           (3) by redesignating paragraphs (6) through  
2           (13) as paragraphs (5) through (12), respectively;  
3           and

4           (4) by amending paragraph (5), as so redesign-  
5           nated, to read as follows:

6           “(5) PARTICIPATING FLEET VESSEL.—The  
7           term participating fleet vessel means any vessel  
8           that—

9                   “(A) on October 1, 2015—

10                          “(i) meets the requirements of para-  
11                          graph (1), (2), (3), or (4) of section  
12                          53102(c); and

13                          “(ii) is less than 20 years of age if the  
14                          vessel is a tank vessel, or is less than 25  
15                          years of age for all other vessel types; and

16                          “(B) on December 31, 2014, is covered by  
17                          an operating agreement under this chapter.”.

18           (b) Section 53102(b) of such title is amended to read  
19           as follows:

20           “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be  
21           included in the Fleet if—

22                          “(1) the vessel meets the requirements of para-  
23                          graph (1), (2), (3), or (4) of subsection (c);

1           “(2) the vessel is operated (or in the case of a  
2       vessel to be constructed, will be operated) in pro-  
3       viding transportation in foreign commerce;

4           “(3) the vessel is self-propelled and—

5               “(A) is a tank vessel that is 10 years of  
6       age or less on the date the vessel is included in  
7       the Fleet; or

8               “(B) is any other type of vessel that is 15  
9       years of age or less on the date the vessel is in-  
10      cluded in the Fleet;

11          “(4) the vessel—

12               “(A) is suitable for use by the United  
13      States for national defense or military purposes  
14      in time of war or national emergency, as deter-  
15      mined by the Secretary of Defense; and

16               “(B) is commercially viable, as determined  
17      by the Secretary; and

18          “(5) the vessel—

19               “(A) is a United States-documented vessel;  
20      or

21               “(B) is not a United States-documented  
22      vessel, but—

23                   “(i) the owner of the vessel has dem-  
24                   onstrated an intent to have the vessel doc-

1                   umented under chapter 121 of this title if  
2                   it is included in the Fleet; and

3                   “(ii) at the time an operating agree-  
4                   ment for the vessel is entered into under  
5                   this chapter, the vessel is eligible for docu-  
6                   mentation under chapter 121 of this  
7                   title.”.

8           (c) Section 53103 of such title is amended—

9                   (1) by amending subsection (b) to read as fol-  
10           lows:

11           “(b) EXTENSION OF EXISTING OPERATING AGREE-  
12 MENTS.—

13                   “(1) OFFER TO EXTEND.—Not later than 60  
14           days after the date of enactment of this paragraph,  
15           the Secretary shall offer, to an existing contractor,  
16           to extend, through September 30, 2025, an oper-  
17           ating agreement that is in existence on the date of  
18           enactment of this paragraph. The terms and condi-  
19           tions of the extended operating agreement shall in-  
20           clude terms and conditions authorized under this  
21           chapter, as amended from time to time.

22                   “(2) TIME LIMIT.—An existing contractor shall  
23           have not later than 120 days after the date the Sec-  
24           retary offers to extend an operating agreement to  
25           agree to the extended operating agreement.

1           “(3) SUBSEQUENT AWARD.—The Secretary  
2           may award an operating agreement to an applicant  
3           that is eligible to enter into an operating agreement  
4           for fiscal years 2016 through 2025 if the existing  
5           contractor does not agree to the extended operating  
6           agreement under paragraph (2).”; and

7           (2) by amending subsection (c) to read as fol-  
8           lows:

9           “(c) PROCEDURE FOR AWARDING NEW OPERATING  
10          AGREEMENTS.—The Secretary may enter into a new oper-  
11          ating agreement with an applicant that meets the require-  
12          ments of section 53102(c) (for vessels that meet the quali-  
13          fications of section 53102(b)) on the basis of priority for  
14          vessel type established by military requirements of the  
15          Secretary of Defense. The Secretary shall allow an appli-  
16          cant at least 30 days to submit an application for a new  
17          operating agreement. After consideration of military re-  
18          quirements, priority shall be given to an applicant that  
19          is a United States citizen under section 50501 of this title.  
20          The Secretary may not approve an application without the  
21          consent of the Secretary of Defense. The Secretary shall  
22          enter into an operating agreement with the applicant or  
23          provide a written reason for denying the application.”.

24          (d) Section 53104 of such title is amended—



1           (1) in subsection (c), by striking paragraph (3);  
2       and

3           (2) in subsection (e), by striking “an operating  
4       agreement under this chapter is terminated under  
5       subsection (c)(3), or if”.

6       (e) Section 53105 of such title is amended—

7           (1) by amending subsection (e) to read as fol-  
8       lows:

9       “(e) TRANSFER OF OPERATING AGREEMENTS.—A  
10   contractor under an operating agreement may transfer the  
11   agreement (including all rights and obligations under the  
12   operating agreement) to any person that is eligible to  
13   enter into the operating agreement under this chapter if  
14   the Secretary and the Secretary of Defense determine that  
15   the transfer is in the best interests of the United States.  
16   A transaction shall not be considered a transfer of an op-  
17   erating agreement if the same legal entity with the same  
18   vessels remains the contracting party under the operating  
19   agreement.”; and

20           (2) by amending subsection (f) to read as fol-  
21       lows:

22       “(f) REPLACEMENT VESSELS.—A contractor may re-  
23   place a vessel under an operating agreement with another  
24   vessel that is eligible to be included in the Fleet under  
25   section 53102(b), if the Secretary, in conjunction with the

1 Secretary of Defense, approves the replacement of the ves-  
2 sel.”.

3 (f) Section 53106 of such title is amended—

4 (1) in subsection (a)(1), by striking “and (C)  
5 \$3,100,000 for each of fiscal years 2012 through  
6 2025.” and inserting the following:

7 “(C) \$3,100,000 for each of fiscal years  
8 2012, 2013, 2014, 2015, 2016, 2017, and  
9 2018;

10 “(D) \$3,500,000 for each of fiscal years  
11 2019, 2020, and 2021; and

12 “(E) \$3,700,000 for each of fiscal years  
13 2022, 2023, 2024, and 2025.”;

14 (2) in subsection (c)(3)(C), by striking “a  
15 LASH vessel.” and inserting “a lighter aboard ship  
16 vessel.”; and

17 (3) by striking subsection (f).

18 (g) Section 53107(b)(1) is amended to read as fol-  
19 lows:

20 “(1) IN GENERAL.—An Emergency Prepared-  
21 ness Agreement under this section shall require that  
22 a contractor for a vessel covered by an operating  
23 agreement under this chapter shall make commercial  
24 transportation resources (including services) avail-  
25 able, upon request by the Secretary of Defense dur-

1       ing a time of war or national emergency, or when-  
2       ever the Secretary of Defense determines that it is  
3       necessary for national security or contingency oper-  
4       ation (as that term is defined in section 101 of title  
5       10, United States Code).”.

6       (h) Section 53109 is repealed.

7       (i) Section 53111 is amended—

8               (1) by striking “and” at the end of paragraph  
9       (2); and

10              (2) by amending paragraph (3) to read as fol-  
11       lows:

12              “(3) \$186,000,000 for each of fiscal years  
13       2012, 2013, 2014, 2015, 2016, 2017, and 2018;

14              “(4) \$210,000,000 for each of fiscal years  
15       2019, 2020, and 2021; and

16              “(5) \$222,000,000 for each fiscal year there-  
17       after through fiscal year 2025.”.

18       (j) EFFECTIVE DATE OF AMENDMENTS.—The  
19       amendments made by—

20              (1) paragraphs (2), (3), and (4) of section  
21       3308(a) of this Act take effect on December 31,  
22       2014; and

23              (2) section 3308(f)(2) of this Act take effect on  
24       December 31, 2014.

1 **SEC. 3509. IDENTIFICATION OF ACTIONS TO ENABLE**  
2 **QUALIFIED UNITED STATES FLAG CAPACITY**  
3 **TO MEET NATIONAL DEFENSE REQUIRE-**  
4 **MENTS.**

5 (a) IDENTIFICATION OF ACTIONS.—Section 501(b) of  
6 title 46, United States Code, is amended—

7 (1) by inserting “(1)” before “When the head”;  
8 and

9 (2) by adding at the end the following:

10 “(2) The Administrator of the Maritime Administra-  
11 tion shall—

12 “(A) in each determination referred to in para-  
13 graph (1), identify any actions that could be taken  
14 to enable qualified United States flag capacity to  
15 meet national defense requirements;

16 “(B) provide each such determination to the  
17 Secretary of Transportation and the head of the  
18 agency referred to in paragraph (1) for which the  
19 determination is made; and

20 “(C) publish each such determination on the  
21 Internet site of the Department of Transportation  
22 within 48 hours after it is provided to the Secretary  
23 of Transportation.

24 “(3)(A) The Secretary of Transportation, in con-  
25 sultation with the Secretary of Homeland Security, shall  
26 notify the Committees on Appropriations, Transportation

1 and Infrastructure, and Armed Services of the House of  
 2 Representatives and the Committees on Appropriations,  
 3 Commerce, Science, and Transportation, and Armed Serv-  
 4 ices of the Senate—

5 “(i) of any request for a waiver of the naviga-  
 6 tion or vessel-inspection laws under this section not  
 7 later than 48 hours after receiving the request; and

8 “(ii) of the issuance of any waiver of compli-  
 9 ance of such a law not later than 48 hours after  
 10 such issuance.

11 “(B) The Secretary shall include in each notification  
 12 under subparagraph (A)(ii) an explanation of—

13 “(i) the reasons the waiver is necessary; and

14 “(ii) the reasons actions referred to in subpara-  
 15 graph (A) are not feasible.”.

16 **SEC. 3510. DEPARTMENT OF DEFENSE NATIONAL STRA-**  
 17 **TEGIC PORTS STUDY AND COMPTROLLER**  
 18 **GENERAL STUDIES AND REPORTS ON STRA-**  
 19 **TEGIC PORTS.**

20 (a) SENSE OF CONGRESS ON COMPLETION OF DOD  
 21 REPORT.—It is the sense of Congress that the Secretary  
 22 of Defense should expedite completion of the study of stra-  
 23 tegic ports in the United States called for in the con-  
 24 ference report to accompany the National Defense Author-  
 25 ization Act for Fiscal Year 2012 (Conference Report 112—

1 329) so that it can be submitted to Congress before Sep-  
2 tember 30, 2012.

3 (b) SUBMISSION OF REPORT TO COMPTROLLER GEN-  
4 ERAL.—In addition to submitting the report referred to  
5 in subsection (a) to Congress, the Secretary of Defense  
6 shall submit the report to the Comptroller General of the  
7 United States for consideration under subsection (c).

8 (c) COMPTROLLER GENERAL STUDIES AND REPORTS  
9 ON STRATEGIC PORTS.—

10 (1) COMPTROLLER GENERAL REVIEW.—Not  
11 later than 90 days after receipt of the report re-  
12 ferred to in subsection (a), the Comptroller General  
13 shall conduct an assessment of the report and sub-  
14 mit to the congressional defense committees a report  
15 of such assessment.

16 (2) COMPTROLLER GENERAL STUDY AND RE-  
17 PORT.—Not later than 270 days after the enactment  
18 of this Act, the Comptroller General of the United  
19 States shall conduct a study of the Department of  
20 Defense's programs and efforts related to the state  
21 of strategic ports with respect to the Department's  
22 operational and readiness requirements, and report  
23 to the congressional defense committees on the find-  
24 ings of such study. The report should include an as-  
25 sessment of—

1 (A) the extent to which the facilities at  
 2 strategic ports meet the Department of De-  
 3 fense’s requirements;

4 (B) the extent to which the Department  
 5 has identified gaps in the ability of existing  
 6 strategic ports to meet its needs and identified  
 7 and undertaken efforts to address any gaps;  
 8 and

9 (C) the Department’s ability to oversee, co-  
 10 ordinate, and provide security for military de-  
 11 ployments through strategic ports.

12 (d) STRATEGIC SEAPORT DEFINED.—In this section,  
 13 the term “strategic port” means a United States port des-  
 14 ignated by the Secretary of Defense as a significant trans-  
 15 portation hub important to the readiness and cargo  
 16 throughput capacity of the Department of Defense.

## 17 **DIVISION D—FUNDING TABLES**

### 18 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 19 **BLES.**

20 (a) IN GENERAL.—Whenever a funding table in this  
 21 division specifies a dollar amount authorized for a project,  
 22 program, or activity, the obligation and expenditure of the  
 23 specified dollar amount for the project, program, or activ-  
 24 ity is hereby authorized, subject to the availability of ap-  
 25 propriations.

1 (b) MERIT-BASED DECISIONS.—A decision to com-  
2 mit, obligate, or expend funds with or to a specific entity  
3 on the basis of a dollar amount authorized pursuant to  
4 subsection (a) shall—

5 (1) be based on merit-based selection proce-  
6 dures in accordance with the requirements of sec-  
7 tions 2304(k) and 2374 of title 10, United States  
8 Code, or on competitive procedures; and

9 (2) comply with other applicable provisions of  
10 law.

11 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-  
12 MING AUTHORITY.—An amount specified in the funding  
13 tables in this division may be transferred or repro-  
14 grammed under a transfer or reprogramming authority  
15 provided by another provision of this Act or by other law.  
16 The transfer or reprogramming of an amount specified in  
17 such funding tables shall not count against a ceiling on  
18 such transfers or reprogrammings under section 1001 or  
19 section 1522 of this Act or any other provision of law,  
20 unless such transfer or reprogramming would move funds  
21 between appropriation accounts.

22 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This  
23 section applies to any classified annex that accompanies  
24 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.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>FIXED WING</b>			
01	UTILITY F/W AIRCRAFT .....	18,639	18,639
03	MQ-1 UAV .....	518,088	518,088
04	RQ-11 (RAVEN) .....	25,798	25,798
<b>ROTARY</b>			
06	HELICOPTER, LIGHT UTILITY (LUH) .....	271,983	271,983
07	AH-64 APACHE BLOCK IIIA REMAN .....	577,115	577,115
08	ADVANCE PROCUREMENT (CY) .....	107,707	107,707
09	AH-64 APACHE BLOCK IIIB NEW BUILD .....	153,993	153,993
10	ADVANCE PROCUREMENT (CY) .....	146,121	146,121
13	UH-60 BLACKHAWK M MODEL (MYP) .....	1,107,087	1,107,087
14	ADVANCE PROCUREMENT (CY) .....	115,113	115,113
15	CH-47 HELICOPTER .....	1,076,036	1,076,036
16	ADVANCE PROCUREMENT (CY) .....	83,346	83,346
<b>MODIFICATION OF AIRCRAFT</b>			
18	MQ-1 PAYLOAD—UAS .....	231,508	231,508
20	GUARDRAIL MODS (MIP) .....	16,272	16,272
21	MULTI SENSOR ABN RECON (MIP) .....	4,294	4,294
22	AH-64 MODS .....	178,805	178,805
23	CH-47 CARGO HELICOPTER MODS (MYP) .....	39,135	39,135
24	UTILITY/CARGO AIRPLANE MODS .....	24,842	24,842
26	UTILITY HELICOPTER MODS .....	73,804	73,804
27	KIOWA WARRIOR MODS .....	192,484	192,484
29	NETWORK AND MISSION PLAN .....	190,789	190,789
30	COMMS, NAV SURVEILLANCE .....	133,191	133,191
31	GATM ROLLUP .....	87,280	87,280
32	RQ-7 UAV MODS .....	104,339	104,339
<b>GROUND SUPPORT AVIONICS</b>			
34	AIRCRAFT SURVIVABILITY EQUIPMENT .....	34,037	34,037
36	CMWS .....	127,751	127,751
<b>OTHER SUPPORT</b>			
37	AVIONICS SUPPORT EQUIPMENT .....	4,886	4,886
38	COMMON GROUND EQUIPMENT .....	82,511	82,511
39	AIRCREW INTEGRATED SYSTEMS .....	77,381	77,381
40	AIR TRAFFIC CONTROL .....	47,235	47,235
41	INDUSTRIAL FACILITIES .....	1,643	1,643
42	LAUNCHER, 2.75 ROCKET .....	516	516
<b>TOTAL, AIRCRAFT PROCUREMENT, ARMY</b>		<b>5,853,729</b>	<b>5,853,729</b>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>SURFACE-TO-AIR MISSILE SYSTEM</b>			
01	PATRIOT SYSTEM SUMMARY .....	646,590	696,590
	Additional PAC-3 missiles .....		[50,000]
02	MSE MISSILE .....	12,850	12,850
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
04	HELLFIRE SYS SUMMARY .....	1,401	11,401
	Program increase .....		[10,000]
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
05	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	81,121	81,121
06	TOW 2 SYSTEM SUMMARY .....	64,712	64,712
07	ADVANCE PROCUREMENT (CY) .....	19,931	19,931
08	GUIDED MLRS ROCKET (GMLRS) .....	218,679	218,679
09	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	18,767	18,767
10	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	12,051	12,051
<b>MODIFICATIONS</b>			
11	PATRIOT MODS .....	199,565	199,565
13	MLRS MODS .....	2,466	2,466

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
14	HIMARS MODIFICATIONS .....	6,068	6,068
	<b>SPARES AND REPAIR PARTS</b>		
16	SPARES AND REPAIR PARTS .....	7,864	7,864
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
17	AIR DEFENSE TARGETS .....	3,864	3,864
18	ITEMS LESS THAN \$5 MILLION (MISSILES) .....	1,560	1,560
19	PRODUCTION BASE SUPPORT .....	5,200	5,200
	<b>TOTAL, MISSILE PROCUREMENT, ARMY</b> .....	<b>1,302,689</b>	<b>1,362,689</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
01	STRYKER VEHICLE .....	286,818	286,818
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>		
03	STRYKER (MOD) .....	60,881	60,881
04	FIST VEHICLE (MOD) .....	57,257	57,257
05	BRADLEY PROGRAM (MOD) .....	148,193	288,193
	Program increase .....		[140,000]
06	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....	10,341	10,341
07	PALADIN PIM MOD IN SERVICE .....	206,101	206,101
08	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	107,909	169,909
	Program increase .....		[62,000]
09	ASSAULT BREACHER VEHICLE .....	50,039	50,039
10	M88 FOV MODS .....	29,930	29,930
11	M1 ABRAMS TANK (MOD) .....	129,090	129,090
12	ABRAMS UPGRADE PROGRAM .....	74,433	255,433
	Program increase .....		[181,000]
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
13	PRODUCTION BASE SUPPORT (TCV-WTCV) .....	1,145	1,145
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		
14	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....	506	0
	XM25 funding ahead of need .....		[-506]
17	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....	25,183	25,183
19	MORTAR SYSTEMS .....	8,104	8,104
21	XM320 GRENADE LAUNCHER MODULE (GLM) .....	14,096	14,096
24	CARBINE .....	21,272	21,272
25	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	6,598	6,598
26	COMMON REMOTELY OPERATED WEAPONS STATION .....	56,725	56,725
27	HOWITZER LT WT 155MM (T) .....	13,827	13,827
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
29	M777 MODS .....	26,843	26,843
30	M4 CARBINE MODS .....	27,243	27,243
31	M2 50 CAL MACHINE GUN MODS .....	39,974	39,974
32	M249 SAW MACHINE GUN MODS .....	4,996	4,996
33	M240 MEDIUM MACHINE GUN MODS .....	6,806	6,806
34	SNIPER RIFLES MODIFICATIONS .....	14,113	14,113
35	M119 MODIFICATIONS .....	20,727	20,727
36	M16 RIFLE MODS .....	3,306	3,306
37	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....	3,072	3,072
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
38	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV) .....	2,026	2,026
39	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....	10,115	10,115
40	INDUSTRIAL PREPAREDNESS .....	442	442
41	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....	2,378	2,378
	<b>SPARES</b>		
42	SPARES AND REPAIR PARTS (WTCV) .....	31,217	31,217
	<b>TOTAL, PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>1,501,706</b>	<b>1,884,200</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
01	CTG, 5.56MM, ALL TYPES .....	158,313	123,513
	Unit cost savings .....		[-34,800]
02	CTG, 7.62MM, ALL TYPES .....	91,438	91,438
03	CTG, HANDGUN, ALL TYPES .....	8,954	8,954
04	CTG, .50 CAL, ALL TYPES .....	109,604	109,604
05	CTG, 20MM, ALL TYPES .....	4,041	4,041
06	CTG, 25MM, ALL TYPES .....	12,654	12,654
07	CTG, 30MM, ALL TYPES .....	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round.		[-18,000]
08	CTG, 40MM, ALL TYPES .....	60,138	60,138
	<b>MORTAR AMMUNITION</b>		
09	60MM MORTAR, ALL TYPES .....	44,375	44,375
10	81MM MORTAR, ALL TYPES .....	27,471	27,471
11	120MM MORTAR, ALL TYPES .....	87,811	87,811
	<b>TANK AMMUNITION</b>		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	112,380	112,380
	<b>ARTILLERY AMMUNITION</b>		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....	50,861	50,861

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	26,227	26,227
15	PROJ 155MM EXTENDED RANGE XM982 .....	110,329	53,329
	Excalibur I-b round schedule delay .....		[-55,000]
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	43,924	43,924
	<b>MINES</b>		
17	MINES & CLEARING CHARGES, ALL TYPES .....	3,775	3,775
	<b>NETWORKED MUNITIONS</b>		
18	SPIDER NETWORK MUNITIONS, ALL TYPES .....	17,408	17,408
	<b>ROCKETS</b>		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	1,005	1,005
20	ROCKET, HYDRA 70, ALL TYPES .....	123,433	123,433
	<b>OTHER AMMUNITION</b>		
21	DEMOLITION MUNITIONS, ALL TYPES .....	35,189	35,189
22	GRENADES, ALL TYPES .....	33,477	33,477
23	SIGNALS, ALL TYPES .....	9,991	9,991
24	SIMULATORS, ALL TYPES .....	10,388	10,388
	<b>MISCELLANEOUS</b>		
25	AMMO COMPONENTS, ALL TYPES .....	19,383	19,383
26	NON-LETHAL AMMUNITION, ALL TYPES .....	7,336	7,336
27	CAD/PAD ALL TYPES .....	6,641	6,641
28	ITEMS LESS THAN \$5 MILLION .....	15,092	15,092
29	AMMUNITION PECULIAR EQUIPMENT .....	15,692	15,692
30	FIRST DESTINATION TRANSPORTATION (AMMO) .....	14,107	14,107
31	CLOSEOUT LIABILITIES .....	106	106
	<b>PRODUCTION BASE SUPPORT</b>		
32	PROVISION OF INDUSTRIAL FACILITIES .....	220,171	220,171
33	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....	182,461	182,461
34	ARMS INITIATIVE .....	3,377	3,377
	<b>TOTAL, PROCUREMENT OF AMMUNITION, ARMY .....</b>	<b>1,739,706</b>	<b>1,631,906</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
01	SEMITRAILERS, FLATBED: .....	7,097	7,097
02	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	346,115	346,115
03	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....	19,292	19,292
04	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	52,933	52,933
05	PLS ESP .....	18,035	18,035
09	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	3,619	3,619
10	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....	26,859	26,859
12	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	69,163	69,163
13	MODIFICATION OF IN SVC EQUIP .....	91,754	91,754
	<b>NON-TACTICAL VEHICLES</b>		
18	PASSENGER CARRYING VEHICLES .....	2,548	2,548
19	NONTACTICAL VEHICLES, OTHER .....	16,791	16,791
	<b>COMM—JOINT COMMUNICATIONS</b>		
20	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....	10,061	10,061
21	WIN-T—GROUND FORCES TACTICAL NETWORK .....	892,635	872,635
	Program adjustment .....		[-20,000]
22	SIGNAL MODERNIZATION PROGRAM .....	45,626	45,626
23	JCSE EQUIPMENT (USREDCOM) .....	5,143	5,143
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
24	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	151,636	151,636
25	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS .....	6,822	6,822
26	SHF TERM .....	9,108	9,108
28	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	27,353	27,353
29	SMART-T (SPACE) .....	98,656	98,656
31	GLOBAL BRDCST SVC—GBS .....	47,131	47,131
32	MOD OF IN-SVC EQUIP (TAC SAT) .....	23,281	23,281
	<b>COMM—C3 SYSTEM</b>		
34	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	10,848	10,848
	<b>COMM—COMBAT COMMUNICATIONS</b>		
35	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....	979	979
36	JOINT TACTICAL RADIO SYSTEM .....	556,250	521,250
	Program adjustment .....		[-35,000]
37	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	86,219	76,219
	Program adjustment .....		[-10,000]
38	RADIO TERMINAL SET, MIDS LVT(2) .....	7,798	7,798
39	SINCGARS FAMILY .....	9,001	9,001
40	AMC CRITICAL ITEMS—OPA2 .....	24,601	24,601
41	TRACTOR DESK .....	7,779	7,779
43	SPIDER APLA REMOTE CONTROL UNIT .....	34,365	19,365
	Program delay .....		[-15,000]
44	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....	1,833	1,833
45	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM .....	12,984	12,984
47	GUNSHOT DETECTION SYSTEM (GDS) .....	2,332	2,332
48	RADIO, IMPROVED HF (COTS) FAMILY .....	1,132	1,132
49	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	22,899	22,899
	<b>COMM—INTELLIGENCE COMM</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
51	CI AUTOMATION ARCHITECTURE .....	1,564	1,564
52	RESERVE CA/MISO GPF EQUIPMENT .....	28,781	28,781
	<b>INFORMATION SECURITY</b>		
53	TSEC—ARMY KEY MGT SYS (AKMS) .....	23,432	23,432
54	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	43,897	43,897
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
56	TERRESTRIAL TRANSMISSION .....	2,891	2,891
57	BASE SUPPORT COMMUNICATIONS .....	13,872	13,872
58	WW TECH CON IMP PROG (WWTCIP) .....	9,595	9,595
	<b>COMM—BASE COMMUNICATIONS</b>		
59	INFORMATION SYSTEMS .....	142,133	142,133
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....	57,727	57,727
62	PENTAGON INFORMATION MGT AND TELECOM .....	5,000	5,000
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
65	JTT/CIBS-M .....	1,641	1,641
66	PROPHET GROUND .....	48,797	48,797
69	DCGS-A (MIP) .....	184,007	184,007
70	JOINT TACTICAL GROUND STATION (JTAGS) .....	2,680	2,680
71	TROJAN (MIP) .....	21,483	21,483
72	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	2,412	2,412
73	CI HUMINT AUTO REPRINTING AND COLLECTION .....	7,077	7,077
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
75	LIGHTWEIGHT COUNTER MORTAR RADAR .....	72,594	72,594
76	CREW .....	15,446	15,446
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	1,470	1,470
79	CI MODERNIZATION .....	1,368	1,368
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
80	FAAD GBS .....	7,980	7,980
81	SENTINEL MODS .....	33,444	33,444
82	SENSE THROUGH THE WALL (STTW) .....	6,212	6,212
83	NIGHT VISION DEVICES .....	166,516	166,516
85	NIGHT VISION, THERMAL WPN SIGHT .....	82,162	82,162
86	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	20,717	20,717
89	GREEN LASER INTERDICTION SYSTEM (GLIS) .....	1,014	1,014
90	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	29,881	29,881
91	PROFILER .....	12,482	12,482
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	3,075	3,075
94	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	141,385	141,385
96	MOD OF IN-SVC EQUIP (LLDR) .....	22,403	22,403
98	MORTAR FIRE CONTROL SYSTEM .....	29,505	29,505
99	COUNTERFIRE RADARS .....	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD) .....	2,426	2,426
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
101	TACTICAL OPERATIONS CENTERS .....	30,196	30,196
102	FIRE SUPPORT C2 FAMILY .....	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....	8,111	8,111
104	FAAD C2 .....	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	64,144	64,144
106	KNIGHT FAMILY .....	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY .....	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS) .....	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	15,209	15,209
	<b>ELECT EQUIP—AUTOMATION</b>		
115	ARMY TRAINING MODERNIZATION .....	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP .....	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM .....	9,184	9,184
118	CSS COMMUNICATIONS .....	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....	35,493	35,493
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>		
120	ITEMS LESS THAN \$5 MILLION (A/V) .....	8,467	8,467
121	ITEMS LESS THAN \$5 MILLION .....	5,309	5,309
	<b>ELECT EQUIP—SUPPORT</b>		
122	PRODUCTION BASE SUPPORT (C-E) .....	586	586
	<b>CLASSIFIED PROGRAMS</b>		
124A	CLASSIFIED PROGRAMS .....	3,435	3,435
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS) .....	4,374	4,374
128	CBRN SOLDIER PROTECTION .....	9,259	9,259
	<b>BRIDGING EQUIPMENT</b>		
130	TACTICAL BRIDGING .....	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON .....	32,893	32,893
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	25,459	25,459

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
136	REMOTE DEMOLITION SYSTEMS .....	8,044	8,044
137	< \$5M, COUNTERMINE EQUIPMENT .....	3,698	3,698
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
138	HEATERS AND ECU'S .....	12,210	12,210
139	SOLDIER ENHANCEMENT .....	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	11,222	11,222
141	GROUND SOLDIER SYSTEM .....	103,317	103,317
144	FIELD FEEDING EQUIPMENT .....	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS .....	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	31,573	31,573
148	ITEMS LESS THAN \$5 MILLION .....	14,093	14,093
	<b>PETROLEUM EQUIPMENT</b>		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	36,266	36,266
	<b>MEDICAL EQUIPMENT</b>		
150	COMBAT SUPPORT MEDICAL .....	34,101	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP) .....	20,540	20,540
	<b>MAINTENANCE EQUIPMENT</b>		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	2,495	2,495
	<b>CONSTRUCTION EQUIPMENT</b>		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....	2,028	2,028
156	SCRAPERS, EARTHMOVING .....	6,146	6,146
157	MISSION MODULES—ENGINEERING .....	31,200	31,200
161	TRACTOR, FULL TRACKED .....	20,867	20,867
162	ALL TERRAIN CRANES .....	4,003	4,003
163	PLANT, ASPHALT MIXING .....	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HME) .....	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....	13,725	13,725
166	CONST EQUIP ESP .....	13,351	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP) .....	9,134	9,134
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL) .....	10,552	10,552
	<b>GENERATORS</b>		
171	GENERATORS AND ASSOCIATED EQUIP .....	60,302	60,302
	<b>MATERIAL HANDLING EQUIPMENT</b>		
173	FAMILY OF FORKLIFTS .....	5,895	5,895
	<b>TRAINING EQUIPMENT</b>		
175	COMBAT TRAINING CENTERS SUPPORT .....	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM .....	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER .....	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	4,056	4,056
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
180	CALIBRATION SETS EQUIPMENT .....	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	24,334	24,334
	<b>OTHER SUPPORT EQUIPMENT</b>		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3) .....	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT .....	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH) .....	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING .....	12,920	12,920
189	AMC CRITICAL ITEMS OPA3 .....	19,180	19,180
190	TRACTOR YARD .....	7,368	7,368
191	UNMANNED GROUND VEHICLE .....	83,937	83,937
	<b>OPA2</b>		
193	INITIAL SPARES—C&E .....	64,507	64,507
	<b>TOTAL, OTHER PROCUREMENT, ARMY</b> .....	<b>6,326,245</b>	<b>6,246,245</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>STAFF AND INFRASTRUCTURE</b>		
04	OPERATIONS .....	227,414	0
	Transfer of funds to title 15 .....		[–227,414]
	<b>TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....	<b>227,414</b>	<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
01	EA–18G .....	1,027,443	997,443
	Cost growth-CFE electronics, non-recurring costs .....		[–30,000]
02	ADVANCE PROCUREMENT (CY) .....		45,000
	Program increase .....		[45,000]
03	F/A–18E/F (FIGHTER) HORNET .....	2,035,131	1,989,131
	Cost growth-CFE electronics, support costs .....		[–46,000]
04	ADVANCE PROCUREMENT (CY) .....	30,296	30,296
05	JOINT STRIKE FIGHTER CV .....	1,007,632	1,007,632
06	ADVANCE PROCUREMENT (CY) .....	65,180	65,180
07	JSF STOVL .....	1,404,737	1,404,737

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
08	ADVANCE PROCUREMENT (CY) .....	106,199	106,199
09	V-22 (MEDIUM LIFT) .....	1,303,120	1,303,120
10	ADVANCE PROCUREMENT (CY) .....	154,202	154,202
11	H-1 UPGRADES (UH-1Y/AH-1Z) .....	720,933	720,933
12	ADVANCE PROCUREMENT (CY) .....	69,658	69,658
13	MH-60S (MYP) .....	384,792	384,792
14	ADVANCE PROCUREMENT (CY) .....	69,277	69,277
15	MH-60R (MYP) .....	656,866	826,866
	Cruiser Retention—Restore 5 helicopters .....		[170,000]
16	ADVANCE PROCUREMENT (CY) .....	185,896	185,896
17	P-8A POSEIDON .....	2,420,755	2,420,755
18	ADVANCE PROCUREMENT (CY) .....	325,679	325,679
19	E-2D ADV HAWKEYE .....	861,498	861,498
20	ADVANCE PROCUREMENT (CY) .....	123,179	123,179
	<b>TRAINER AIRCRAFT</b>		
22	JPATS .....	278,884	278,884
	<b>OTHER AIRCRAFT</b>		
23	KC-130J .....	3,000	3,000
24	ADVANCE PROCUREMENT (CY) .....	22,995	22,995
25	ADVANCE PROCUREMENT (CY) .....	51,124	51,124
26	MQ-8 UAV .....	124,573	124,573
27	STUASLO UAV .....	9,593	9,593
	<b>MODIFICATION OF AIRCRAFT</b>		
28	EA-6 SERIES .....	30,062	30,062
29	AEA SYSTEMS .....	49,999	49,999
30	AV-8 SERIES .....	38,703	38,703
31	ADVERSARY .....	4,289	4,289
32	F-18 SERIES .....	647,306	647,306
33	H-46 SERIES .....	2,343	2,343
34	AH-1W SERIES .....	8,721	8,721
35	H-53 SERIES .....	45,567	45,567
36	SH-60 SERIES .....	83,527	83,527
37	H-1 SERIES .....	6,508	6,508
38	EP-3 SERIES .....	66,374	66,374
39	P-3 SERIES .....	148,405	148,405
40	E-2 SERIES .....	16,322	16,322
41	TRAINER A/C SERIES .....	34,284	34,284
42	C-2A .....	4,743	4,743
43	C-130 SERIES .....	60,302	60,302
44	FEWSG .....	670	670
45	CARGO/TRANSPORT A/C SERIES .....	26,311	26,311
46	E-6 SERIES .....	158,332	158,332
47	EXECUTIVE HELICOPTERS SERIES .....	58,163	58,163
48	SPECIAL PROJECT AIRCRAFT .....	12,421	12,421
49	T-45 SERIES .....	64,488	64,488
50	POWER PLANT CHANGES .....	21,569	21,569
51	JPATS SERIES .....	1,552	1,552
52	AVIATION LIFE SUPPORT MODS .....	2,473	2,473
53	COMMON ECM EQUIPMENT .....	114,690	114,690
54	COMMON AVIONICS CHANGES .....	96,183	96,183
56	ID SYSTEMS .....	39,846	39,846
57	P-8 SERIES .....	5,302	5,302
58	MAGTF EW FOR AVIATION .....	34,127	34,127
59	RQ-7 SERIES .....	49,324	49,324
60	V-22 (TILT/ROTOR ACFT) OSPREY .....	95,856	95,856
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
61	SPARES AND REPAIR PARTS .....	1,166,430	1,126,430
	Spares cost growth—F-35C, F-35B, E-2D .....		[–40,000]
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
62	COMMON GROUND EQUIPMENT .....	387,195	387,195
63	AIRCRAFT INDUSTRIAL FACILITIES .....	23,469	23,469
64	WAR CONSUMABLES .....	43,383	43,383
65	OTHER PRODUCTION CHARGES .....	3,399	3,399
66	SPECIAL SUPPORT EQUIPMENT .....	32,274	32,274
67	FIRST DESTINATION TRANSPORTATION .....	1,742	1,742
	<b>TOTAL, AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>17,129,296</b>	<b>17,228,296</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF MISSILES</b>		
01	TRIDENT II MODS .....	1,224,683	1,224,683
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
02	MISSILE INDUSTRIAL FACILITIES .....	5,553	5,553
	<b>STRATEGIC MISSILES</b>		
03	TOMAHAWK .....	308,970	308,970
	<b>TACTICAL MISSILES</b>		
04	AMRAAM .....	102,683	112,683
	Program increase .....		[10,000]
05	SIDEWINDER .....	80,226	80,226

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
06	JSOW .....	127,609	137,809
	Program increase .....		[10,200]
07	STANDARD MISSILE .....	399,482	399,482
08	RAM .....	66,769	66,769
09	HELLFIRE .....	74,501	91,901
	Program increase .....		[17,400]
11	AERIAL TARGETS .....	61,518	61,518
12	OTHER MISSILE SUPPORT .....	3,585	3,585
	<b>MODIFICATION OF MISSILES</b>		
13	ESSM .....	58,194	58,194
14	HARM MODS .....	86,721	86,721
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
16	WEAPONS INDUSTRIAL FACILITIES .....	2,014	2,014
17	FLEET SATELLITE COMM FOLLOW-ON .....	21,454	21,454
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
18	ORDNANCE SUPPORT EQUIPMENT .....	54,945	54,945
	<b>TORPEDOES AND RELATED EQUIP</b>		
19	SSTD .....	2,700	2,700
20	ASW TARGETS .....	10,385	10,385
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
21	MK-54 TORPEDO MODS .....	74,487	74,487
22	MK-48 TORPEDO ADCAP MODS .....	54,281	54,281
23	QUICKSTRIKE MINE .....	6,852	6,852
	<b>SUPPORT EQUIPMENT</b>		
24	TORPEDO SUPPORT EQUIPMENT .....	46,402	46,402
25	ASW RANGE SUPPORT .....	11,927	11,927
	<b>DESTINATION TRANSPORTATION</b>		
26	FIRST DESTINATION TRANSPORTATION .....	3,614	3,614
	<b>GUNS AND GUN MOUNTS</b>		
27	SMALL ARMS AND WEAPONS .....	12,594	12,594
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
28	CIWS MODS .....	59,303	59,303
29	COAST GUARD WEAPONS .....	19,072	19,072
30	GUN MOUNT MODS .....	54,706	54,706
31	CRUISER MODERNIZATION WEAPONS .....	1,591	19,622
	Cruiser retention—57/62 Upgrade .....		[18,031]
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	20,607	20,607
	<b>SPARES AND REPAIR PARTS</b>		
34	SPARES AND REPAIR PARTS .....	60,150	60,150
	<b>TOTAL, WEAPONS PROCUREMENT, NAVY</b>	<b>3,117,578</b>	<b>3,173,209</b>
	<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>		
	<b>OTHER WARSHIPS</b>		
01	CARRIER REPLACEMENT PROGRAM .....	608,195	608,195
03	VIRGINIA CLASS SUBMARINE .....	3,217,601	3,217,601
04	ADVANCE PROCUREMENT (CY) .....	874,878	1,652,878
	Advance procurement .....		[778,000]
05	CVN REFUELING OVERHAULS .....	1,613,392	1,613,392
06	ADVANCE PROCUREMENT (CY) .....	70,010	70,010
08	DDG 1000 .....	669,222	669,222
09	DDG-51 .....	3,048,658	3,048,658
10	ADVANCE PROCUREMENT (CY) .....	466,283	581,283
	Advance procurement .....		[115,000]
11	LITTORAL COMBAT SHIP .....	1,784,959	1,784,959
	<b>AMPHIBIOUS SHIPS</b>		
15	JOINT HIGH SPEED VESSEL .....	189,196	189,196
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
17	ADVANCE PROCUREMENT (CY) .....	307,300	307,300
18	OUTFITTING .....	309,648	309,648
20	LCAC SLEP .....	47,930	47,930
21	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	372,573	372,573
	<b>TOTAL, SHIPBUILDING &amp; CONVERSION, NAVY</b>	<b>13,579,845</b>	<b>14,472,845</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
01	GENERAL PURPOSE BOMBS .....	27,024	27,024
02	AIRBORNE ROCKETS, ALL TYPES .....	56,575	56,575
03	MACHINE GUN AMMUNITION .....	21,266	21,266
04	PRACTICE BOMBS .....	34,319	34,319
05	CARTRIDGES & CART ACTUATED DEVICES .....	53,755	53,755
06	AIR EXPENDABLE COUNTERMEASURES .....	61,693	61,693
07	JATOS .....	2,776	2,776
08	LRLAP 6" LONG RANGE ATTACK PROJECTILE .....	7,102	7,102
09	5 INCH/54 GUN AMMUNITION .....	48,320	48,320
10	INTERMEDIATE CALIBER GUN AMMUNITION .....	25,544	25,544
11	OTHER SHIP GUN AMMUNITION .....	41,624	41,624
12	SMALL ARMS & LANDING PARTY AMMO .....	65,893	65,893
13	PYROTECHNIC AND DEMOLITION .....	11,176	11,176

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
14	AMMUNITION LESS THAN \$5 MILLION .....	4,116	4,116
	<b>MARINE CORPS AMMUNITION</b>		
15	SMALL ARMS AMMUNITION .....	83,733	83,733
16	LINEAR CHARGES, ALL TYPES .....	24,645	24,645
17	40MM, ALL TYPES .....	16,201	16,201
19	81MM, ALL TYPES .....	13,711	3,711
	Excess to need .....		[-10,000]
20	120MM, ALL TYPES .....	12,557	12,557
22	GRENADES, ALL TYPES .....	7,634	7,134
	Excess to need .....		[-500]
23	ROCKETS, ALL TYPES .....	27,528	27,528
24	ARTILLERY, ALL TYPES .....	93,065	93,065
25	DEMOLITION MUNITIONS, ALL TYPES .....	2,047	0
	Excess to need .....		[-2,047]
26	FUZE, ALL TYPES .....	5,297	5,297
27	NON LETHALS .....	1,362	1,362
28	AMMO MODERNIZATION .....	4,566	4,566
29	ITEMS LESS THAN \$5 MILLION .....	6,010	6,010
	<b>TOTAL, PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....	<b>759,539</b>	<b>746,992</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SHIP PROPULSION EQUIPMENT</b>		
01	LM-2500 GAS TURBINE .....	10,658	10,658
02	ALLISON 501K GAS TURBINE .....	8,469	8,469
	<b>NAVIGATION EQUIPMENT</b>		
03	OTHER NAVIGATION EQUIPMENT .....	23,392	23,392
	<b>PERISCOPES</b>		
04	SUB PERISCOPES & IMAGING EQUIP .....	53,809	53,809
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
05	DDG MOD .....	452,371	452,371
06	FIREFIGHTING EQUIPMENT .....	16,958	16,958
07	COMMAND AND CONTROL SWITCHBOARD .....	2,492	2,492
08	POLLUTION CONTROL EQUIPMENT .....	20,707	20,707
09	SUBMARINE SUPPORT EQUIPMENT .....	12,046	12,046
10	VIRGINIA CLASS SUPPORT EQUIPMENT .....	79,870	79,870
11	LCS CLASS SUPPORT EQUIPMENT .....	19,865	19,865
12	SUBMARINE BATTERIES .....	41,522	41,522
13	LPD CLASS SUPPORT EQUIPMENT .....	30,543	30,543
14	STRATEGIC PLATFORM SUPPORT EQUIP .....	16,257	16,257
15	DSSP EQUIPMENT .....	3,630	3,630
16	CG MODERNIZATION .....	101,000	184,972
	Cruiser retention .....		[83,972]
17	LCAC .....	16,645	16,645
18	UNDERWATER EOD PROGRAMS .....	35,446	35,446
19	ITEMS LESS THAN \$5 MILLION .....	65,998	65,998
20	CHEMICAL WARFARE DETECTORS .....	4,359	4,359
21	SUBMARINE LIFE SUPPORT SYSTEM .....	10,218	10,218
	<b>REACTOR PLANT EQUIPMENT</b>		
22	REACTOR POWER UNITS .....	286,859	286,859
23	REACTOR COMPONENTS .....	278,503	278,503
	<b>OCEAN ENGINEERING</b>		
24	DIVING AND SALVAGE EQUIPMENT .....	8,998	8,998
	<b>SMALL BOATS</b>		
25	STANDARD BOATS .....	30,131	30,131
	<b>TRAINING EQUIPMENT</b>		
26	OTHER SHIPS TRAINING EQUIPMENT .....	29,772	29,772
	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
27	OPERATING FORCES IPE .....	64,346	64,346
	<b>OTHER SHIP SUPPORT</b>		
28	NUCLEAR ALTERATIONS .....	154,652	154,652
29	LCS COMMON MISSION MODULES EQUIPMENT .....	31,319	31,319
30	LCS MCM MISSION MODULES .....	38,392	38,392
31	LCS SUW MISSION MODULES .....	32,897	32,897
	<b>LOGISTIC SUPPORT</b>		
32	LSD MIDLIFE .....	49,758	49,758
	<b>SHIP SONARS</b>		
34	SPQ-9B RADAR .....	19,777	19,777
35	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....	89,201	89,201
36	SSN ACOUSTICS .....	190,874	190,874
37	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	17,035	17,035
38	SONAR SWITCHES AND TRANSDUCERS .....	13,410	13,410
	<b>ASW ELECTRONIC EQUIPMENT</b>		
40	SUBMARINE ACOUSTIC WARFARE SYSTEM .....	21,489	21,489
41	SSTD .....	10,716	10,716
42	FIXED SURVEILLANCE SYSTEM .....	98,896	98,896
43	SURTASS .....	2,774	2,774
44	MARITIME PATROL AND RECONNAISSANCE FORCE .....	18,428	18,428
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		



SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
45	AN/SLQ-32 .....	92,270	92,270
	<b>RECONNAISSANCE EQUIPMENT</b>		
46	SHIPBOARD IW EXPLOIT .....	107,060	108,185
	Cruiser Retention .....		[1,125]
47	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....	914	914
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>		
48	SUBMARINE SUPPORT EQUIPMENT PROG .....	34,050	34,050
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
49	COOPERATIVE ENGAGEMENT CAPABILITY .....	27,881	27,881
50	TRUSTED INFORMATION SYSTEM (TIS) .....	448	448
51	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....	35,732	35,732
53	NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....	9,533	9,533
54	MINESWEEPING SYSTEM REPLACEMENT .....	60,111	60,111
55	SHALLOW WATER MCM .....	6,950	6,950
56	NAVSTAR GPS RECEIVERS (SPACE) .....	9,089	9,089
57	AMERICAN FORCES RADIO AND TV SERVICE .....	7,768	7,768
58	STRATEGIC PLATFORM SUPPORT EQUIP .....	3,614	3,614
	<b>TRAINING EQUIPMENT</b>		
59	OTHER TRAINING EQUIPMENT .....	42,911	42,911
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
60	MATCALS .....	5,861	5,861
61	SHIPBOARD AIR TRAFFIC CONTROL .....	8,362	8,362
62	AUTOMATIC CARRIER LANDING SYSTEM .....	15,685	15,685
63	NATIONAL AIR SPACE SYSTEM .....	16,919	16,919
64	FLEET AIR TRAFFIC CONTROL SYSTEMS .....	6,828	6,828
65	LANDING SYSTEMS .....	7,646	7,646
66	ID SYSTEMS .....	35,474	35,474
67	NAVAL MISSION PLANNING SYSTEMS .....	9,958	9,958
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
68	DEPLOYABLE JOINT COMMAND AND CONT .....	9,064	9,064
69	MARITIME INTEGRATED BROADCAST SYSTEM .....	16,026	16,026
70	TACTICAL/MOBILE C4I SYSTEMS .....	11,886	11,886
71	DCGS-N .....	11,887	11,887
72	CANES .....	341,398	344,848
	Cruiser Retention .....		[3,450]
73	RADIAC .....	8,083	8,083
74	CANES-INTELL .....	79,427	79,427
75	GPETE .....	6,083	6,083
76	INTEG COMBAT SYSTEM TEST FACILITY .....	4,495	4,495
77	EMI CONTROL INSTRUMENTATION .....	4,767	4,767
78	ITEMS LESS THAN \$5 MILLION .....	81,755	81,755
	<b>SHIPBOARD COMMUNICATIONS</b>		
80	SHIP COMMUNICATIONS AUTOMATION .....	56,870	58,023
	Cruiser Retention .....		[1,153]
81	MARITIME DOMAIN AWARENESS (MDA) .....	1,063	1,063
82	COMMUNICATIONS ITEMS UNDER \$5M .....	28,522	28,522
	<b>SUBMARINE COMMUNICATIONS</b>		
83	SUBMARINE BROADCAST SUPPORT .....	4,183	4,183
84	SUBMARINE COMMUNICATION EQUIPMENT .....	69,025	69,025
	<b>SATELLITE COMMUNICATIONS</b>		
85	SATELLITE COMMUNICATIONS SYSTEMS .....	49,294	49,294
86	NAVY MULTIBAND TERMINAL (NMT) .....	184,825	186,540
	Cruiser Retention .....		[1,715]
	<b>SHORE COMMUNICATIONS</b>		
87	JCS COMMUNICATIONS EQUIPMENT .....	2,180	2,180
88	ELECTRICAL POWER SYSTEMS .....	1,354	1,354
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
90	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	144,104	144,104
	<b>CRYPTOLOGIC EQUIPMENT</b>		
91	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	12,604	12,604
	<b>OTHER ELECTRONIC SUPPORT</b>		
92	COAST GUARD EQUIPMENT .....	6,680	6,680
	<b>SONOBUOYS</b>		
95	SONOBUOYS—ALL TYPES .....	104,677	104,677
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
96	WEAPONS RANGE SUPPORT EQUIPMENT .....	70,753	70,753
97	EXPEDITIONARY AIRFIELDS .....	8,678	8,678
98	AIRCRAFT REARMING EQUIPMENT .....	11,349	11,349
99	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....	82,618	82,618
100	METEOROLOGICAL EQUIPMENT .....	18,339	18,339
101	DCRS/DPL .....	1,414	1,414
102	AVIATION LIFE SUPPORT .....	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES .....	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT .....	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS .....	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT .....	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS) .....	3,826	3,826
	<b>SHIP GUN SYSTEM EQUIPMENT</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
108	NAVAL FIRES CONTROL SYSTEM .....	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT .....	4,528	4,528
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>		
110	NATO SEASPARROW .....	8,960	8,960
111	RAM GMLS .....	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM .....	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT .....	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT .....	77,767	77,767
115	VERTICAL LAUNCH SYSTEMS .....	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS .....	4,965	4,965
	<b>FBM SUPPORT EQUIPMENT</b>		
117	STRATEGIC MISSILE SYSTEMS EQUIP .....	181,049	181,049
	<b>ASW SUPPORT EQUIPMENT</b>		
118	SSN COMBAT CONTROL SYSTEMS .....	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT .....	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT .....	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT .....	47,930	47,930
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	3,579	3,579
123	ITEMS LESS THAN \$5 MILLION .....	3,125	3,125
	<b>OTHER EXPENDABLE ORDNANCE</b>		
124	ANTI-SHIP MISSILE DECOY SYSTEM .....	31,743	42,981
	Cruiser Retention .....		[1,238]
	Program increase for NULKA decoys .....		[10,000]
125	SURFACE TRAINING DEVICE MODS .....	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS .....	23,450	23,450
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
127	PASSENGER CARRYING VEHICLES .....	7,158	7,158
128	GENERAL PURPOSE TRUCKS .....	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP .....	8,692	8,692
130	FIRE FIGHTING EQUIPMENT .....	14,533	14,533
131	TACTICAL VEHICLES .....	15,330	15,330
132	AMPHIBIOUS EQUIPMENT .....	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT .....	7,265	7,265
134	ITEMS UNDER \$5 MILLION .....	15,252	15,252
135	PHYSICAL SECURITY VEHICLES .....	1,161	1,161
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
136	MATERIALS HANDLING EQUIPMENT .....	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT .....	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION .....	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS .....	34,804	34,804
	<b>TRAINING DEVICES</b>		
140	TRAINING SUPPORT EQUIPMENT .....	25,444	25,444
	<b>COMMAND SUPPORT EQUIPMENT</b>		
141	COMMAND SUPPORT EQUIPMENT .....	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT .....	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT .....	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT .....	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT .....	15,696	15,696
149	C4ISR EQUIPMENT .....	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT .....	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT .....	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY .....	183,995	183,995
	<b>CLASSIFIED PROGRAMS</b>		
152A	CLASSIFIED PROGRAMS .....	13,063	13,063
	<b>SPARES AND REPAIR PARTS</b>		
153	SPARES AND REPAIR PARTS .....	250,718	250,718
	<b>TOTAL, OTHER PROCUREMENT, NAVY</b> .....	<b>6,169,378</b>	<b>6,272,031</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
01	AAV7A1 PIP .....	16,089	16,089
02	LAV PIP .....	186,216	45,316
	Budget adjustment per USMC .....		[-140,900]
	<b>ARTILLERY AND OTHER WEAPONS</b>		
03	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	2,502	2,502
04	155MM LIGHTWEIGHT TOWED HOWITZER .....	17,913	17,913
05	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	47,999	47,999
06	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	17,706	17,706
	<b>OTHER SUPPORT</b>		
07	MODIFICATION KITS .....	48,040	48,040
08	WEAPONS ENHANCEMENT PROGRAM .....	4,537	4,537
	<b>GUIDED MISSILES</b>		
09	GROUND BASED AIR DEFENSE .....	11,054	11,054
11	FOLLOW ON TO SMAW .....	19,650	19,650
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....	20,708	20,708
	<b>COMMAND AND CONTROL SYSTEMS</b>		
14	UNIT OPERATIONS CENTER .....	1,420	1,420

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>REPAIR AND TEST EQUIPMENT</b>		
15	REPAIR AND TEST EQUIPMENT .....	25,127	25,127
	<b>OTHER SUPPORT (TEL)</b>		
16	COMBAT SUPPORT SYSTEM .....	25,822	25,822
17	MODIFICATION KITS .....	2,831	2,831
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
18	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	5,498	5,498
19	AIR OPERATIONS C2 SYSTEMS .....	11,290	11,290
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
20	RADAR SYSTEMS .....	128,079	128,079
21	RQ-21 UAS .....	27,619	27,619
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
22	FIRE SUPPORT SYSTEM .....	7,319	7,319
23	INTELLIGENCE SUPPORT EQUIPMENT .....	7,466	7,466
25	RQ-11 UAV .....	2,318	2,318
26	DCGS-MC .....	18,291	18,291
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>		
29	NIGHT VISION EQUIPMENT .....	48,084	48,084
	<b>OTHER SUPPORT (NON-TEL)</b>		
30	COMMON COMPUTER RESOURCES .....	206,708	206,708
31	COMMAND POST SYSTEMS .....	35,190	35,190
32	RADIO SYSTEMS .....	89,059	89,059
33	COMM SWITCHING & CONTROL SYSTEMS .....	22,500	22,500
34	COMM & ELEC INFRASTRUCTURE SUPPORT .....	42,625	42,625
	<b>CLASSIFIED PROGRAMS</b>		
035A	CLASSIFIED PROGRAMS .....	2,290	2,290
	<b>ADMINISTRATIVE VEHICLES</b>		
35	COMMERCIAL PASSENGER VEHICLES .....	2,877	2,877
36	COMMERCIAL CARGO VEHICLES .....	13,960	13,960
	<b>TACTICAL VEHICLES</b>		
37	5/4T TRUCK HMMWV (MYP) .....	8,052	8,052
38	MOTOR TRANSPORT MODIFICATIONS .....	50,269	50,269
40	LOGISTICS VEHICLE SYSTEM REP .....	37,262	37,262
41	FAMILY OF TACTICAL TRAILERS .....	48,160	48,160
	<b>OTHER SUPPORT</b>		
43	ITEMS LESS THAN \$5 MILLION .....	6,705	6,705
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
44	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	13,576	13,576
45	BULK LIQUID EQUIPMENT .....	16,869	16,869
46	TACTICAL FUEL SYSTEMS .....	19,108	19,108
47	POWER EQUIPMENT ASSORTED .....	56,253	56,253
48	AMPHIBIOUS SUPPORT EQUIPMENT .....	13,089	13,089
49	EOD SYSTEMS .....	73,699	73,699
	<b>MATERIALS HANDLING EQUIPMENT</b>		
50	PHYSICAL SECURITY EQUIPMENT .....	3,510	3,510
51	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....	11,490	11,490
52	MATERIAL HANDLING EQUIP .....	20,659	20,659
53	FIRST DESTINATION TRANSPORTATION .....	132	132
	<b>GENERAL PROPERTY</b>		
54	FIELD MEDICAL EQUIPMENT .....	31,068	31,068
55	TRAINING DEVICES .....	45,895	45,895
56	CONTAINER FAMILY .....	5,801	5,801
57	FAMILY OF CONSTRUCTION EQUIPMENT .....	23,939	23,939
60	RAPID DEPLOYABLE KITCHEN .....	8,365	8,365
	<b>OTHER SUPPORT</b>		
61	ITEMS LESS THAN \$5 MILLION .....	7,077	7,077
	<b>SPARES AND REPAIR PARTS</b>		
62	SPARES AND REPAIR PARTS .....	3,190	3,190
	<b>TOTAL, PROCUREMENT, MARINE CORPS</b> .....	<b>1,622,955</b>	<b>1,482,055</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL FORCES</b>		
01	F-35 .....	3,124,302	3,124,302
02	ADVANCE PROCUREMENT (CY) .....	293,400	229,400
	Excess advance procurement .....		[-64,000]
	<b>OTHER AIRLIFT</b>		
05	C-130J .....	68,373	68,373
07	HC-130J .....	152,212	152,212
09	MC-130J .....	374,866	374,866
12	C-27J .....		115,000
	C-27J buy-back .....		[115,000]
	<b>HELICOPTERS</b>		
15	HH-60 LOSS REPLACEMENT/RECAP .....	60,596	60,596
17	CV-22 (MYP) .....	294,220	294,220
18	ADVANCE PROCUREMENT (CY) .....	15,000	15,000
	<b>MISSION SUPPORT AIRCRAFT</b>		
19	CIVIL AIR PATROL A/C .....	2,498	2,498
	<b>OTHER AIRCRAFT</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
24	TARGET DRONES .....	129,866	129,866
26	RQ-4 .....	75,000	180,200
	Sustain current force structure .....		[105,200]
28	AC-130J .....	163,970	163,970
30	MQ-9 .....	553,530	712,430
	Additional aircraft .....		[158,900]
31	RQ-4 BLOCK 40 PROC .....	11,654	11,654
	<b>STRATEGIC AIRCRAFT</b>		
32	B-2A .....	82,296	82,296
33	B-1B .....	149,756	149,756
34	B-52 .....	9,781	9,781
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	28,800	28,800
	<b>TACTICAL AIRCRAFT</b>		
36	A-10 .....	89,919	89,919
37	F-15 .....	148,378	148,378
38	F-16 .....	6,896	6,896
39	F-22A .....	283,871	283,871
40	F-35 MODIFICATIONS .....	147,995	147,995
	<b>AIRLIFT AIRCRAFT</b>		
41	C-5 .....	6,967	6,967
43	C-5M .....	944,819	944,819
44	ADVANCE PROCUREMENT (CY) .....	175,800	175,800
46	C-17A .....	205,079	205,079
47	C-21 .....	199	199
48	C-32A .....	1,750	1,750
49	C-37A .....	445	445
	<b>TRAINER AIRCRAFT</b>		
51	GLIDER MODS .....	126	126
52	T-6 .....	15,494	15,494
53	T-1 .....	272	272
54	T-38 .....	20,455	20,455
	<b>OTHER AIRCRAFT</b>		
56	U-2 MODS .....	44,477	44,477
57	KC-10A (ATCA) .....	46,921	46,921
58	C-12 .....	1,876	1,876
59	MC-12W .....	17,054	17,054
60	C-20 MODS .....	243	243
61	VC-25A MOD .....	11,185	11,185
62	C-40 .....	243	243
63	C-130 .....	67,853	67,853
65	C-130J MODS .....	70,555	70,555
66	C-135 .....	46,707	46,707
67	COMPASS CALL MODS .....	50,024	50,024
68	RC-135 .....	165,237	165,237
69	E-3 .....	193,099	193,099
70	E-4 .....	47,616	47,616
71	E-8 .....	59,320	59,320
72	H-1 .....	5,449	5,449
73	H-60 .....	26,227	26,227
74	RQ-4 MODS .....	9,257	9,257
75	HC/MC-130 MODIFICATIONS .....	22,326	22,326
76	OTHER AIRCRAFT .....	18,832	18,832
77	MQ-1 MODS .....	30,861	30,861
78	MQ-9 MODS .....	238,360	238,360
79	MQ-9 UAS PAYLOADS .....	93,461	93,461
80	CV-22 MODS .....	23,881	23,881
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
81	INITIAL SPARES/REPAIR PARTS .....	729,691	728,291
	Premature request for deployment spares packages for F-35 .....		[-23,000]
	Support additional MQ-9 aircraft .....		[21,600]
	<b>COMMON SUPPORT EQUIPMENT</b>		
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	56,542	56,542
	<b>POST PRODUCTION SUPPORT</b>		
83	A-10 .....	5,100	5,100
84	B-1 .....	965	965
86	B-2A .....	47,580	47,580
88	KC-10A (ATCA) .....	13,100	13,100
89	C-17A .....	181,703	181,703
90	C-130 .....	31,830	31,830
91	C-135 .....	13,434	13,434
92	F-15 .....	2,363	2,363
93	F-16 .....	8,506	8,506
96	OTHER AIRCRAFT .....	9,522	9,522
	<b>INDUSTRIAL PREPAREDNESS</b>		
97	INDUSTRIAL RESPONSIVENESS .....	20,731	20,731
	<b>WAR CONSUMABLES</b>		
98	WAR CONSUMABLES .....	89,727	89,727
	<b>OTHER PRODUCTION CHARGES</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
99	OTHER PRODUCTION CHARGES .....	842,392	842,392
	<b>CLASSIFIED PROGRAMS</b>		
103A	CLASSIFIED PROGRAMS .....	20,164	20,164
	<b>TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE .....</b>	<b>11,002,999</b>	<b>11,316,699</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
01	ROCKETS .....	8,927	8,927
	<b>CARTRIDGES</b>		
02	CARTRIDGES .....	118,075	118,075
	<b>BOMBS</b>		
03	PRACTICE BOMBS .....	32,393	32,393
04	GENERAL PURPOSE BOMBS .....	163,467	163,467
05	JOINT DIRECT ATTACK MUNITION .....	101,921	101,921
	<b>FLARE, IR MJU-7B</b>		
06	CAD/PAD .....	43,829	43,829
07	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	7,515	7,515
08	SPARES AND REPAIR PARTS .....	1,003	1,003
09	MODIFICATIONS .....	5,321	5,321
10	ITEMS LESS THAN \$5 MILLION .....	5,066	5,066
	<b>FUZES</b>		
11	FLARES .....	46,010	46,010
12	FUZES .....	36,444	36,444
	<b>SMALL ARMS</b>		
13	SMALL ARMS .....	29,223	29,223
	<b>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE .....</b>	<b>599,194</b>	<b>599,194</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>		
01	MISSILE REPLACEMENT EQ-BALLISTIC .....	56,906	56,906
	<b>TACTICAL</b>		
02	JASSM .....	240,399	240,399
03	SIDEWINDER (AIM-9X) .....	88,020	88,020
04	AMRAAM .....	229,637	244,637
	Program increase .....		[15,000]
05	PREDATOR HELLFIRE MISSILE .....	47,675	47,675
06	SMALL DIAMETER BOMB .....	42,000	42,000
	<b>INDUSTRIAL FACILITIES</b>		
07	INDUSTRIAL PREPAREDNESS/POL PREVENTION .....	744	744
	<b>CLASS IV</b>		
09	MM III MODIFICATIONS .....	54,794	54,794
10	AGM-65D MAVERICK .....	271	271
11	AGM-88A HARM .....	23,240	23,240
12	AIR LAUNCH CRUISE MISSILE (ALCM) .....	13,620	13,620
13	SMALL DIAMETER BOMB .....	5,000	5,000
	<b>MISSILE SPARES AND REPAIR PARTS</b>		
14	INITIAL SPARES/REPAIR PARTS .....	74,373	74,373
	<b>SPACE PROGRAMS</b>		
15	ADVANCED EHF .....	557,205	557,205
17	WIDEBAND GAFILLER SATELLITES(SPACE) .....	36,835	36,835
19	GPS III SPACE SEGMENT .....	410,294	410,294
20	ADVANCE PROCUREMENT (CY) .....	82,616	82,616
21	SPACEBORNE EQUIP (COMSEC) .....	10,554	10,554
22	GLOBAL POSITIONING (SPACE) .....	58,147	58,147
23	DEF METEOROLOGICAL SAT PROG(SPACE) .....	89,022	89,022
24	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	1,679,856	1,679,856
25	SBIR HIGH (SPACE) .....	454,251	454,251
	<b>SPECIAL PROGRAMS</b>		
30	SPECIAL UPDATE PROGRAMS .....	138,904	138,904
	<b>CLASSIFIED PROGRAMS</b>		
030A	CLASSIFIED PROGRAMS .....	1,097,483	1,097,483
	<b>TOTAL, MISSILE PROCUREMENT, AIR FORCE .....</b>	<b>5,491,846</b>	<b>5,506,846</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
01	PASSENGER CARRYING VEHICLES .....	1,905	1,905
	<b>CARGO AND UTILITY VEHICLES</b>		
02	MEDIUM TACTICAL VEHICLE .....	18,547	18,547
03	CAP VEHICLES .....	932	932
04	ITEMS LESS THAN \$5 MILLION .....	1,699	1,699
	<b>SPECIAL PURPOSE VEHICLES</b>		
05	SECURITY AND TACTICAL VEHICLES .....	10,850	10,850
06	ITEMS LESS THAN \$5 MILLION .....	9,246	9,246
	<b>FIRE FIGHTING EQUIPMENT</b>		
07	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	23,148	23,148
	<b>MATERIALS HANDLING EQUIPMENT</b>		
08	ITEMS LESS THAN \$5 MILLION .....	18,323	18,323
	<b>BASE MAINTENANCE SUPPORT</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
09	RUNWAY SNOW REMOV AND CLEANING EQU .....	1,685	1,685
10	ITEMS LESS THAN \$5 MILLION .....	17,014	17,014
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>		
12	COMSEC EQUIPMENT .....	166,559	166,559
13	MODIFICATIONS (COMSEC) .....	1,133	1,133
	<b>INTELLIGENCE PROGRAMS</b>		
14	INTELLIGENCE TRAINING EQUIPMENT .....	2,749	2,749
15	INTELLIGENCE COMM EQUIPMENT .....	32,876	32,876
16	ADVANCE TECH SENSORS .....	877	877
17	MISSION PLANNING SYSTEMS .....	15,295	15,295
	<b>ELECTRONICS PROGRAMS</b>		
18	AIR TRAFFIC CONTROL & LANDING SYS .....	21,984	21,984
19	NATIONAL AIRSPACE SYSTEM .....	30,698	30,698
20	BATTLE CONTROL SYSTEM—FIXED .....	17,368	17,368
21	THEATER AIR CONTROL SYS IMPROVEMENTS .....	23,483	23,483
22	WEATHER OBSERVATION FORECAST .....	17,864	17,864
23	STRATEGIC COMMAND AND CONTROL .....	53,995	53,995
24	CHEYENNE MOUNTAIN COMPLEX .....	14,578	14,578
25	TAC SIGINT SPT .....	208	208
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
27	GENERAL INFORMATION TECHNOLOGY .....	69,743	69,743
28	AF GLOBAL COMMAND & CONTROL SYS .....	15,829	15,829
29	MOBILITY COMMAND AND CONTROL .....	11,023	11,023
30	AIR FORCE PHYSICAL SECURITY SYSTEM .....	64,521	64,521
31	COMBAT TRAINING RANGES .....	18,217	18,217
32	C3 COUNTERMEASURES .....	11,899	11,899
33	GCSS-AF FOS .....	13,920	13,920
34	THEATER BATTLE MGT C2 SYSTEM .....	9,365	9,365
35	AIR & SPACE OPERATIONS CTR-WPN SYS .....	33,907	33,907
	<b>AIR FORCE COMMUNICATIONS</b>		
36	INFORMATION TRANSPORT SYSTEMS .....	52,464	52,464
38	AFNET .....	125,788	125,788
39	VOICE SYSTEMS .....	16,811	16,811
40	USCENTCOM .....	32,138	32,138
	<b>DISA PROGRAMS</b>		
41	SPACE BASED IR SENSOR PGM SPACE .....	47,135	47,135
42	NAVSTAR GPS SPACE .....	2,031	2,031
43	NUDET DETECTION SYS SPACE .....	5,564	5,564
44	AF SATELLITE CONTROL NETWORK SPACE .....	44,219	44,219
45	SPACELIFT RANGE SYSTEM SPACE .....	109,545	109,545
46	MILSATCOM SPACE .....	47,592	47,592
47	SPACE MODS SPACE .....	47,121	47,121
48	COUNTERSPACE SYSTEM .....	20,961	20,961
	<b>ORGANIZATION AND BASE</b>		
49	TACTICAL C-E EQUIPMENT .....	126,131	126,131
50	COMBAT SURVIVOR EVADER LOCATER .....	23,707	23,707
51	RADIO EQUIPMENT .....	12,757	12,757
52	CCTV/AUDIOVISUAL EQUIPMENT .....	10,716	10,716
53	BASE COMM INFRASTRUCTURE .....	74,528	74,528
	<b>MODIFICATIONS</b>		
54	COMM ELECT MODS .....	43,507	43,507
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
55	NIGHT VISION GOGGLES .....	22,693	22,693
56	ITEMS LESS THAN \$5 MILLION .....	30,887	30,887
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
57	MECHANIZED MATERIAL HANDLING EQUIP .....	2,850	2,850
	<b>BASE SUPPORT EQUIPMENT</b>		
58	BASE PROCURED EQUIPMENT .....	8,387	8,387
59	CONTINGENCY OPERATIONS .....	10,358	10,358
60	PRODUCTIVITY CAPITAL INVESTMENT .....	3,473	3,473
62	MOBILITY EQUIPMENT .....	14,471	14,471
63	ITEMS LESS THAN \$5 MILLION .....	1,894	1,894
	<b>SPECIAL SUPPORT PROJECTS</b>		
65	DARP RC135 .....	24,176	24,176
66	DCGS-AF .....	142,928	142,928
68	SPECIAL UPDATE PROGRAM .....	479,446	479,446
69	DEFENSE SPACE RECONNAISSANCE PROG. ....	39,155	39,155
	<b>CLASSIFIED PROGRAMS</b>		
069A	CLASSIFIED PROGRAMS .....	14,331,312	14,331,312
	<b>SPARES AND REPAIR PARTS</b>		
71	SPARES AND REPAIR PARTS .....	14,663	14,663
	<b>TOTAL, OTHER PROCUREMENT, AIR FORCE</b>	<b>16,720,848</b>	<b>16,720,848</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, OSD</b>		
42	MAJOR EQUIPMENT, OSD .....	45,938	45,938
43	MAJOR EQUIPMENT, INTELLIGENCE .....	17,582	17,582
	<b>MAJOR EQUIPMENT, NSA</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
41	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	6,770	6,770
	<b>MAJOR EQUIPMENT, WHS</b>		
45	MAJOR EQUIPMENT, WHS .....	26,550	26,550
	<b>MAJOR EQUIPMENT, DISA</b>		
12	INFORMATION SYSTEMS SECURITY .....	12,708	12,708
14	GLOBAL COMBAT SUPPORT SYSTEM .....	3,002	3,002
15	TELEPORT PROGRAM .....	46,992	46,992
16	ITEMS LESS THAN \$5 MILLION .....	108,462	108,462
17	NET CENTRIC ENTERPRISE SERVICES (NCES) .....	2,865	2,865
18	DEFENSE INFORMATION SYSTEM NETWORK .....	116,906	116,906
19	PUBLIC KEY INFRASTRUCTURE .....	1,827	1,827
21	CYBER SECURITY INITIATIVE .....	10,319	10,319
	<b>MAJOR EQUIPMENT, DLA</b>		
22	MAJOR EQUIPMENT .....	9,575	9,575
	<b>MAJOR EQUIPMENT, DSS</b>		
26	MAJOR EQUIPMENT .....	2,522	2,522
	<b>MAJOR EQUIPMENT, DCAA</b>		
02	ITEMS LESS THAN \$5 MILLION .....	1,486	1,486
	<b>MAJOR EQUIPMENT, TJS</b>		
44	MAJOR EQUIPMENT, TJS .....	21,878	21,878
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
30	THAAD .....	460,728	587,728
	Procure 12 additional interceptors .....		[127,000]
31	AEGIS BMD .....	389,626	389,626
32	BMDS AN/TPY-2 RADARS .....	217,244	387,244
	Procure additional AN/TPY-2 radar .....		[170,000]
33	RADAR SPARES .....	10,177	10,177
	<b>MAJOR EQUIPMENT, DHRA</b>		
05	PERSONNEL ADMINISTRATION .....	6,147	6,147
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>		
27	VEHICLES .....	50	50
28	OTHER MAJOR EQUIPMENT .....	13,096	13,096
	<b>MAJOR EQUIPMENT, DODEA</b>		
24	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	1,458	1,458
	<b>MAJOR EQUIPMENT, DCMA</b>		
03	MAJOR EQUIPMENT .....	2,129	2,129
	<b>MAJOR EQUIPMENT, DMACT</b>		
23	MAJOR EQUIPMENT .....	15,179	15,179
	<b>CLASSIFIED PROGRAMS</b>		
045A	CLASSIFIED PROGRAMS .....	555,787	555,787
	<b>AVIATION PROGRAMS</b>		
46	ROTARY WING UPGRADES AND SUSTAINMENT .....	74,832	74,832
48	MH-60 MODERNIZATION PROGRAM .....	126,780	126,780
49	NON-STANDARD AVIATION .....	99,776	36,976
	Transfer to Line 051—Mission Shift .....		[–62,800]
51	U-28 .....	7,530	116,930
	Program increase .....		[46,600]
	Transfer from Line 049—Mission Shift .....		[62,800]
52	MH-47 CHINOOK .....	134,785	134,785
53	RQ-11 UNMANNED AERIAL VEHICLE .....	2,062	2,062
54	CV-22 MODIFICATION .....	139,147	139,147
55	MQ-1 UNMANNED AERIAL VEHICLE .....	3,963	26,963
	Program increase .....		[23,000]
56	MQ-9 UNMANNED AERIAL VEHICLE .....	3,952	39,352
	Program increase .....		[35,400]
58	STUASL0 .....	12,945	12,945
59	PRECISION STRIKE PACKAGE .....	73,013	73,013
60	AC/MC-130J .....	51,484	51,484
62	C-130 MODIFICATIONS .....	25,248	25,248
63	AIRCRAFT SUPPORT .....	5,314	5,314
	<b>SHIPBUILDING</b>		
64	UNDERWATER SYSTEMS .....	23,037	23,037
	<b>AMMUNITION PROGRAMS</b>		
66	ORDNANCE REPLENISHMENT .....	113,183	113,183
67	ORDNANCE ACQUISITION .....	36,981	36,981
	<b>OTHER PROCUREMENT PROGRAMS</b>		
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	99,838	103,738
	Program increase .....		[3,900]
69	INTELLIGENCE SYSTEMS .....	71,428	71,428
70	SMALL ARMS AND WEAPONS .....	27,108	27,108
71	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	12,767	12,767
74	COMBATANT CRAFT SYSTEMS .....	42,348	42,348
75	SPARES AND REPAIR PARTS .....	600	600
77	TACTICAL VEHICLES .....	37,421	37,421
78	MISSION TRAINING AND PREPARATION SYSTEMS .....	36,949	41,949
	Program increase .....		[5,000]
79	COMBAT MISSION REQUIREMENTS .....	20,255	20,255
80	MILCON COLLATERAL EQUIPMENT .....	17,590	17,590

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
82	AUTOMATION SYSTEMS .....	66,573	66,573
83	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	6,549	6,549
84	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	32,335	32,335
85	SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	15,153	15,153
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	33,920	33,920
87	TACTICAL RADIO SYSTEMS .....	75,132	75,132
90	MISCELLANEOUS EQUIPMENT .....	6,667	6,667
91	OPERATIONAL ENHANCEMENTS .....	217,972	243,272
	Program increase .....		[25,300]
92	MILITARY INFORMATION SUPPORT OPERATIONS .....	27,417	27,417
	<b>CBDP</b>		
93	INSTALLATION FORCE PROTECTION .....	24,025	24,025
94	INDIVIDUAL PROTECTION .....	73,720	73,720
95	DECONTAMINATION .....	506	506
96	JOINT BIO DEFENSE PROGRAM (MEDICAL) .....	32,597	32,597
97	COLLECTIVE PROTECTION .....	3,144	3,144
98	CONTAMINATION AVOIDANCE .....	164,886	164,886
	<b>TOTAL, PROCUREMENT, DEFENSE-WIDE .....</b>	<b>4,187,935</b>	<b>4,624,135</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
01	JOINT URGENT OPERATIONAL NEEDS FUND .....	99,477	0
	Program reduction .....		[-99,477]
	<b>TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND .....</b>	<b>99,477</b>	<b>0</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>97,432,379</b>	<b>99,121,919</b>

## 1 SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY

## 2 OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>AIRCRAFT PROCUREMENT, ARMY</b>		
	<b>ROTARY</b>		
9	AH-64 APACHE BLOCK HIB NEW BUILD .....	71,000	71,000
12	KIOWA WARRIOR (OH-58F) WRA .....	183,900	183,900
15	CH-47 HELICOPTER .....	231,300	231,300
	<b>TOTAL, AIRCRAFT PROCUREMENT, ARMY .....</b>	<b>486,200</b>	<b>486,200</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
4	HELLFIRE SYS SUMMARY .....	29,100	29,100
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>		
8	GUIDED MLRS ROCKET (GMLRS) .....	20,553	20,553
	<b>TOTAL, MISSILE PROCUREMENT, ARMY .....</b>	<b>49,653</b>	<b>49,653</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
36	M16 RIFLE MODS .....	15,422	15,422
	<b>TOTAL, PROCUREMENT OF W&amp;TCV, ARMY .....</b>	<b>15,422</b>	<b>15,422</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
3	CTG, HANDGUN, ALL TYPES .....	1,500	1,500
4	CTG, .50 CAL, ALL TYPES .....	10,000	10,000
7	CTG, 30MM, ALL TYPES .....	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.		[-19,000]
	<b>MORTAR AMMUNITION</b>		
9	60MM MORTAR, ALL TYPES .....	14,000	14,000
10	81MM MORTAR, ALL TYPES .....	6,000	6,000
11	120MM MORTAR, ALL TYPES .....	56,000	56,000
	<b>ARTILLERY AMMUNITION</b>		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....	29,956	29,956
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	37,044	37,044
15	PROJ 155MM EXTENDED RANGE XM982 .....	12,300	12,300
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	17,000	17,000
	<b>MINES</b>		
17	MINES & CLEARING CHARGES, ALL TYPES .....	12,000	12,000
	<b>ROCKETS</b>		



SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
20	ROCKET, HYDRA 70, ALL TYPES .....	63,635	63,635
	<b>OTHER AMMUNITION</b>		
23	SIGNALS, ALL TYPES .....	16,858	16,858
	<b>MISCELLANEOUS</b>		
28	ITEMS LESS THAN \$5 MILLION .....	1,200	1,200
	<b>TOTAL, PROCUREMENT OF AMMUNITION, ARMY .....</b>	<b>357,493</b>	<b>338,493</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
2	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	28,247	28,247
4	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	2,050	2,050
11	HMMWV RECAPITALIZATION PROGRAM .....	271,000	271,000
14	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....	927,400	927,400
	<b>COMM—INTELLIGENCE COMM</b>		
52	RESERVE CA/MISO GPF EQUIPMENT .....	8,000	8,000
	<b>COMM—BASE COMMUNICATIONS</b>		
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	25,000	25,000
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
69	DCGS-A (MIP) .....	90,355	90,355
73	CI HUMINT AUTO REPRINTING AND COLLECTION .....	6,516	6,516
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
75	LIGHTWEIGHT COUNTER MORTAR RADAR .....	27,646	27,646
77	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES .....	52,000	52,000
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	205,209	205,209
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	14,600	14,600
99	COUNTERFIRE RADARS .....	54,585	54,585
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
102	FIRE SUPPORT C2 FAMILY .....	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS) .....	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	5,160	5,160
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS) .....	66,100	66,100
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	3,565	3,565
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
143	FORCE PROVIDER .....	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	650	650
	<b>PETROLEUM EQUIPMENT</b>		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	2,119	2,119
	<b>MAINTENANCE EQUIPMENT</b>		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	428	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....	30	30
	<b>TRAINING EQUIPMENT</b>		
175	COMBAT TRAINING CENTERS SUPPORT .....	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM .....	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	5,900	5,900
	<b>OTHER SUPPORT EQUIPMENT</b>		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	98,167	60,167
	Rapid equipping force delayed execution rates .....		[–38,000]
	<b>TOTAL, OTHER PROCUREMENT, ARMY .....</b>	<b>2,015,907</b>	<b>1,977,907</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>NETWORK ATTACK</b>		
1	ATTACK THE NETWORK .....	950,500	950,500
	<b>JIEDDO DEVICE DEFEAT</b>		
2	DEFEAT THE DEVICE .....	400,000	400,000
	<b>FORCE TRAINING</b>		
3	TRAIN THE FORCE .....	149,500	149,500
	<b>STAFF AND INFRASTRUCTURE</b>		
4	OPERATIONS .....	175,400	402,800
	Transfer from title 1 .....		[227,400]
	<b>TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND .....</b>	<b>1,675,400</b>	<b>1,902,800</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
11	H-1 UPGRADES (UH-1Y/AH-1Z) .....	29,800	29,800
	<b>MODIFICATION OF AIRCRAFT</b>		
30	AV-8 SERIES .....	42,238	42,238
32	F-18 SERIES .....	41,243	41,243
35	H-53 SERIES .....	15,870	15,870
38	EP-3 SERIES .....	13,030	13,030
43	C-130 SERIES .....	16,737	16,737
48	SPECIAL PROJECT AIRCRAFT .....	2,714	2,714
54	COMMON AVIONICS CHANGES .....	570	570

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>			
62	COMMON GROUND EQUIPMENT .....	2,380	2,380
	<b>TOTAL, AIRCRAFT PROCUREMENT, NAVY .....</b>	<b>164,582</b>	<b>164,582</b>
<b>WEAPONS PROCUREMENT, NAVY</b>			
<b>TACTICAL MISSILES</b>			
9	HELLFIRE .....	17,000	17,000
10	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....	6,500	6,500
	<b>TOTAL, WEAPONS PROCUREMENT, NAVY .....</b>	<b>23,500</b>	<b>23,500</b>
<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>			
<b>NAVY AMMUNITION</b>			
1	GENERAL PURPOSE BOMBS .....	18,000	18,000
2	AIRBORNE ROCKETS, ALL TYPES .....	80,200	80,200
3	MACHINE GUN AMMUNITION .....	21,500	21,500
6	AIR EXPENDABLE COUNTERMEASURES .....	20,303	20,303
11	OTHER SHIP GUN AMMUNITION .....	532	532
12	SMALL ARMS & LANDING PARTY AMMO .....	2,643	2,643
13	PYROTECHNIC AND DEMOLITION .....	2,322	2,322
14	AMMUNITION LESS THAN \$5 MILLION .....	6,308	6,308
<b>MARINE CORPS AMMUNITION</b>			
15	SMALL ARMS AMMUNITION .....	10,948	10,948
16	LINEAR CHARGES, ALL TYPES .....	9,940	9,940
17	40 MM, ALL TYPES .....	5,963	5,963
20	120MM, ALL TYPES .....	11,605	11,605
21	CTG 25MM, ALL TYPES .....	2,831	2,831
22	GRENADES, ALL TYPES .....	2,359	2,359
23	ROCKETS, ALL TYPES .....	3,051	3,051
24	ARTILLERY, ALL TYPES .....	54,886	54,886
25	DEMOLITION MUNITIONS, ALL TYPES .....	1,391	1,391
26	FUZE, ALL TYPES .....	30,945	30,945
27	NON LETHALS .....	8	8
29	ITEMS LESS THAN \$5 MILLION .....	12	12
	<b>TOTAL, PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>	<b>285,747</b>	<b>285,747</b>
<b>OTHER PROCUREMENT, NAVY</b>			
<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>			
70	TACTICAL/MOBILE C4I SYSTEMS .....	3,603	3,603
<b>AIRCRAFT SUPPORT EQUIPMENT</b>			
97	EXPEDITIONARY AIRFIELDS .....	58,200	58,200
<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>			
127	PASSENGER CARRYING VEHICLES .....	3,901	3,901
128	GENERAL PURPOSE TRUCKS .....	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP .....	2,436	2,436
130	FIRE FIGHTING EQUIPMENT .....	3,798	3,798
131	TACTICAL VEHICLES .....	13,394	13,394
134	ITEMS UNDER \$5 MILLION .....	375	375
<b>COMMAND SUPPORT EQUIPMENT</b>			
149	C4ISR EQUIPMENT .....	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT .....	9,323	9,323
	<b>TOTAL, OTHER PROCUREMENT, NAVY .....</b>	<b>98,882</b>	<b>98,882</b>
<b>PROCUREMENT, MARINE CORPS</b>			
<b>TRACKED COMBAT VEHICLES</b>			
2	LAV PIP .....	10,000	10,000
<b>ARTILLERY AND OTHER WEAPONS</b>			
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	108,860	108,860
<b>GUIDED MISSILES</b>			
10	JAVELIN .....	29,158	29,158
<b>OTHER SUPPORT</b>			
13	MODIFICATION KITS .....	41,602	41,602
<b>REPAIR AND TEST EQUIPMENT</b>			
15	REPAIR AND TEST EQUIPMENT .....	13,632	13,632
<b>OTHER SUPPORT (TEL)</b>			
17	MODIFICATION KITS .....	2,831	2,831
<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>			
19	AIR OPERATIONS C2 SYSTEMS .....	15,575	15,575
<b>RADAR + EQUIPMENT (NON-TEL)</b>			
20	RADAR SYSTEMS .....	8,015	8,015
<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>			
23	INTELLIGENCE SUPPORT EQUIPMENT .....	35,310	35,310
<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>			
29	NIGHT VISION EQUIPMENT .....	652	652
<b>OTHER SUPPORT (NON-TEL)</b>			
30	COMMON COMPUTER RESOURCES .....	19,807	19,807
32	RADIO SYSTEMS .....	36,482	36,482
33	COMM SWITCHING & CONTROL SYSTEMS .....	41,295	41,295
<b>TACTICAL VEHICLES</b>			

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
39	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	10,466	10,466
41	FAMILY OF TACTICAL TRAILERS .....	7,642	7,642
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
45	BULK LIQUID EQUIPMENT .....	18,239	18,239
46	TACTICAL FUEL SYSTEMS .....	51,359	51,359
47	POWER EQUIPMENT ASSORTED .....	20,247	20,247
49	EOD SYSTEMS .....	362,658	362,658
	<b>MATERIALS HANDLING EQUIPMENT</b>		
50	PHYSICAL SECURITY EQUIPMENT .....	55,500	55,500
52	MATERIAL HANDLING EQUIP .....	19,100	19,100
	<b>GENERAL PROPERTY</b>		
54	FIELD MEDICAL EQUIPMENT .....	15,751	15,751
55	TRAINING DEVICES .....	3,602	3,602
57	FAMILY OF CONSTRUCTION EQUIPMENT .....	15,900	15,900
	<b>TOTAL, PROCUREMENT, MARINE CORPS</b> .....	<b>943,683</b>	<b>943,683</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>STRATEGIC AIRCRAFT</b>		
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	139,800	139,800
	<b>OTHER AIRCRAFT</b>		
55	U-2 MODS .....	46,800	46,800
63	C-130 .....	11,400	11,400
67	COMPASS CALL MODS .....	14,000	14,000
68	RC-135 .....	8,000	8,000
75	HC/MC-130 MODIFICATIONS .....	4,700	4,700
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
81	INITIAL SPARES/REPAIR PARTS .....	21,900	21,900
	<b>OTHER PRODUCTION CHARGES</b>		
99	OTHER PRODUCTION CHARGES .....	59,000	59,000
	<b>TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>305,600</b>	<b>305,600</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>CARTRIDGES</b>		
2	CARTRIDGES .....	13,592	13,592
	<b>BOMBS</b>		
4	GENERAL PURPOSE BOMBS .....	23,211	23,211
5	JOINT DIRECT ATTACK MUNITION .....	53,923	53,923
	<b>FLARE, IR MJU-7B</b>		
6	CAD/PAD .....	2,638	2,638
10	ITEMS LESS THAN \$5 MILLION .....	2,600	2,600
	<b>FUZES</b>		
11	FLARES .....	11,726	11,726
12	FUZES .....	8,513	8,513
	<b>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>116,203</b>	<b>116,203</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL</b>		
5	PREDATOR HELLFIRE MISSILE .....	34,350	34,350
	<b>TOTAL, MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>34,350</b>	<b>34,350</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>CARGO AND UTILITY VEHICLES</b>		
2	MEDIUM TACTICAL VEHICLE .....	2,010	2,010
4	ITEMS LESS THAN \$5 MILLION .....	2,675	2,675
	<b>SPECIAL PURPOSE VEHICLES</b>		
6	ITEMS LESS THAN \$5 MILLION .....	2,557	2,557
	<b>MATERIALS HANDLING EQUIPMENT</b>		
8	ITEMS LESS THAN \$5 MILLION .....	4,329	4,329
	<b>BASE MAINTENANCE SUPPORT</b>		
9	RUNWAY SNOW REMOV AND CLEANING EQU .....	984	984
10	ITEMS LESS THAN \$5 MILLION .....	9,120	9,120
	<b>ELECTRONICS PROGRAMS</b>		
22	WEATHER OBSERVATION FORECAST .....	5,600	5,600
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
27	GENERAL INFORMATION TECHNOLOGY .....	11,157	11,157
	<b>ORGANIZATION AND BASE</b>		
49	TACTICAL C-E EQUIPMENT .....	7,000	7,000
53	BASE COMM INFRASTRUCTURE .....	10,654	10,654
	<b>MODIFICATIONS</b>		
54	COMM ELECT MODS .....	8,000	8,000
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
55	NIGHT VISION GOGGLES .....	902	902
	<b>BASE SUPPORT EQUIPMENT</b>		
59	CONTINGENCY OPERATIONS .....	60,090	60,090
62	MOBILITY EQUIPMENT .....	9,400	9,400
63	ITEMS LESS THAN \$5 MILLION .....	9,175	9,175
	<b>CLASSIFIED PROGRAMS</b>		
069A	CLASSIFIED PROGRAMS .....	2,672,317	2,672,317

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
<b>SPARES AND REPAIR PARTS</b>			
71	SPARES AND REPAIR PARTS .....	2,300	2,300
	<b>TOTAL, OTHER PROCUREMENT, AIR FORCE .....</b>	<b>2,818,270</b>	<b>2,818,270</b>
<b>PROCUREMENT, DEFENSE-WIDE</b>			
<b>MAJOR EQUIPMENT, DISA</b>			
15	TELEPORT PROGRAM .....	5,260	5,260
<b>CLASSIFIED PROGRAMS</b>			
045A	CLASSIFIED PROGRAMS .....	126,201	126,201
<b>AVIATION PROGRAMS</b>			
61	MQ-8 UAV .....	16,500	16,500
<b>OTHER PROCUREMENT PROGRAMS</b>			
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	151	151
69	INTELLIGENCE SYSTEMS .....	30,528	30,528
77	TACTICAL VEHICLES .....	1,843	1,843
82	AUTOMATION SYSTEMS .....	1,000	1,000
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	108	108
91	OPERATIONAL ENHANCEMENTS .....	14,758	14,758
	<b>TOTAL, PROCUREMENT, DEFENSE-WIDE .....</b>	<b>196,349</b>	<b>196,349</b>
<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>			
<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>			
1	JOINT URGENT OPERATIONAL NEEDS FUND .....	100,000	50,000
	Program reduction .....		[-50,000]
	<b>TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND .....</b>	<b>100,000</b>	<b>50,000</b>
<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>			
<b>UNDISTRIBUTED</b>			
999	MISCELLANEOUS EQUIPMENT .....		500,000
	Program increase .....		[500,000]
	<b>TOTAL, NATIONAL GUARD &amp; RESERVE EQUIPMENT .....</b>		<b>500,000</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>9,687,241</b>	<b>10,307,641</b>

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST AND EVALUA-**  
2 **TION**  
3 **TION**  
4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUA-**  
5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	House Authorized
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>				
<b>BASIC RESEARCH</b>				
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	20,860	20,860
2	0601102A	DEFENSE RESEARCH SCIENCES .....	219,180	219,180
3	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	80,986	80,986
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	123,045	123,045
		<b>SUBTOTAL, BASIC RESEARCH .....</b>	<b>444,071</b>	<b>444,071</b>
<b>APPLIED RESEARCH</b>				
5	0602105A	MATERIALS TECHNOLOGY .....	29,041	39,291
		Advanced coating technologies for corrosion mitigation .....		[10,250]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	45,260	45,260
7	0602122A	TRACTOR HIP .....	22,439	22,439
8	0602211A	AVIATION TECHNOLOGY .....	51,607	51,607
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	15,068	15,068
10	0602303A	MISSILE TECHNOLOGY .....	49,383	49,383
11	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	25,999	25,999
12	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	23,507	23,507
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	69,062	69,062
14	0602618A	BALLISTICS TECHNOLOGY .....	60,823	60,823

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

Line	Program Element	Item	FY 2013 Request	House Authorized
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,465	4,465
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,169	7,169
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY .....	35,218	35,218
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES .....	60,300	60,300
19	0602709A	NIGHT VISION TECHNOLOGY .....	53,244	53,244
20	0602712A	COUNTERMINE SYSTEMS .....	18,850	18,850
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	19,872	19,872
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	20,095	20,095
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	28,852	28,852
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY .....	9,830	9,830
25	0602784A	MILITARY ENGINEERING TECHNOLOGY .....	70,693	70,693
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	17,781	17,781
27	0602786A	WARFIGHTER TECHNOLOGY .....	28,281	28,281
28	0602787A	MEDICAL TECHNOLOGY .....	107,891	107,891
		<b>SUBTOTAL, APPLIED RESEARCH .....</b>	<b>874,730</b>	<b>884,980</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY .....	39,359	39,359
30	0603002A	MEDICAL ADVANCED TECHNOLOGY .....	69,580	69,580
31	0603003A	AVIATION ADVANCED TECHNOLOGY .....	64,215	64,215
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	67,613	67,613
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	104,359	104,359
34	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	4,157	4,157
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	9,856	9,856
36	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	50,661	50,661
37	0603009A	TRACTOR HIKE .....	9,126	9,126
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	17,257	17,257
39	0603020A	TRACTOR ROSE .....	9,925	9,925
40	0603105A	MILITARY HIV RESEARCH .....	6,984	6,984
41	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....	9,716	9,716
42	0603130A	TRACTOR NAIL .....	3,487	3,487
43	0603131A	TRACTOR EGGS .....	2,323	2,323
44	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	21,683	21,683
45	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	71,111	71,111
46	0603322A	TRACTOR CAGE .....	10,902	10,902
47	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
48	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
49	0603607A	JOINT SERVICE SMALL ARMS PROGRAM .....	6,095	6,095
50	0603710A	NIGHT VISION ADVANCED TECHNOLOGY .....	37,217	37,217
51	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
52	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	28,458	28,458
53	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	25,226	25,226
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>890,722</b>	<b>890,722</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
54	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	14,505	14,505
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION .....	9,876	9,876
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	5,054	5,054
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	2,725	2,725
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	30,560	30,560
59	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	14,347	14,347
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	10,073	10,073
61	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV ...	8,660	8,660
62	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	10,715	10,715
63	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	4,631	4,631
64	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL	278,018	278,018
65	0603790A	NATO RESEARCH AND DEVELOPMENT .....	4,961	4,961
66	0603801A	AVIATION—ADV DEV .....	8,602	8,602
67	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	14,605	14,605
68	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054
69	0603807A	MEDICAL SYSTEMS—ADV DEV .....	24,384	24,384
70	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	32,050	32,050
71	0603850A	INTEGRATED BROADCAST SERVICE .....	96	96
72	0604115A	TECHNOLOGY MATURATION INITIATIVES .....	24,868	24,868
73	0604131A	TRACTOR JUTE .....	59	59
75	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2).	76,039	76,039
77	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4) .....	4,043	4,043
78	0305205A	ENDURANCE UAVS .....	26,196	26,196
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>610,121</b>	<b>610,121</b>

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

Line	Program Element	Item	FY 2013 Request	House Authorized
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
79	0604201A	AIRCRAFT AVIONICS .....	78,538	78,538
80	0604220A	ARMED, DEPLOYABLE HELOS .....	90,494	90,494
81	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	181,347	176,347
		Program adjustment .....		[-5,000]
83	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	12,636	12,636
84	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	5,694	5,694
85	0604328A	TRACTOR CAGE .....	32,095	32,095
86	0604601A	INFANTRY SUPPORT WEAPONS .....	96,478	93,078
		XM25 funding ahead of need .....		[-3,400]
87	0604604A	MEDIUM TACTICAL VEHICLES .....	3,006	3,006
89	0604611A	JAVELIN .....	5,040	5,040
90	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	3,077	3,077
91	0604633A	AIR TRAFFIC CONTROL .....	9,769	9,769
92	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	13,141	13,141
99	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV .....	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....	73,333	73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV ...	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV .....	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV .....	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD .....	4,346	4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	77,223	77,223
117	0604820A	RADAR DEVELOPMENT .....	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	9,963	9,963
119	0604823A	FIREFINDER .....	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD .....	167,797	167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....	400,861	0
		Prohibition of funds for MEADS .....		[-400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK ....	7,922	7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) ....	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	10,000	10,000
128	0605456A	PAC-3/MSE MISSILE .....	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	277,374	277,374
130	0605625A	MANNED GROUND VEHICLE .....	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR .....	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. ....	72,295	72,295
133	0303032A	TROJAN—RH12 .....	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	13,942	13,942
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>3,286,629</b>	<b>2,877,368</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
135	0604256A	THREAT SIMULATOR DEVELOPMENT .....	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT .....	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT .....	37,394	37,394
138	0605103A	RAND ARROYO CENTER .....	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL .....	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	27,902	27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES .....	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS ....	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	44,753	44,753
146	0605606A	AIRCRAFT CERTIFICATION .....	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS .....	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING .....	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER .....	62,765	62,765
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES .....	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY. ....	46,763	46,763

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	House Authorized
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	4,601	4,601
157	0605898A	MANAGEMENT HQ—R&D .....	18,524	18,524
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,153,980</b>	<b>1,153,980</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	143,005	143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT .....	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	190,422	171,422
		Program adjustment .....		[−19,000]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM .....	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PRO- GRAMS.	280,247	226,147
		Ahead of need .....		[−54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	898	898
169	0203758A	DIGITIZATION .....	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	20,733	20,733
172	0203808A	TRACTOR CARD .....	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM .....	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	40,876	40,876
184	0305219A	MQ-1 SKY WARRIOR A UAV .....	74,618	74,618
185	0305232A	RQ-11 UAV .....	4,039	4,039
186	0305233A	RQ-7 UAV .....	31,158	31,158
187	0305235A	VERTICAL UAS .....	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS .....	4,628	4,628
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>1,669,162</b>	<b>1,596,062</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY.</b>	<b>8,929,415</b>	<b>8,457,304</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>BASIC RESEARCH</b>		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	113,690	123,690
		Increase Defense University Research Instrumentation Program .....		[10,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,261	18,261
3	0601153N	DEFENSE RESEARCH SCIENCES .....	473,070	473,070
003A	0601XXXX	SCIENCE AND TECHNOLOGY .....		3,450
		Transfer from PE 0205658N .....		[3,450]
		<b>SUBTOTAL, BASIC RESEARCH .....</b>	<b>605,021</b>	<b>618,471</b>
		<b>APPLIED RESEARCH</b>		
4	0602114N	POWER PROJECTION APPLIED RESEARCH .....	89,189	89,189
5	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	143,301	143,301
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	46,528	46,528
7	0602235N	COMMON PICTURE APPLIED RESEARCH .....	41,696	41,696
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	44,127	44,127
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	78,228	78,228
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	49,635	49,635
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	5,973	5,973
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	96,814	96,814
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	162,417	162,417
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	32,394	32,394
		<b>SUBTOTAL, APPLIED RESEARCH .....</b>	<b>790,302</b>	<b>790,302</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
15	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	56,543	56,543
16	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	18,616	18,616
19	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	54,858	54,858
20	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	130,598	130,598
21	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	11,706	11,706
22	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DE- VELOPMENT.	256,382	256,382
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	3,880	3,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	51,819	51,819
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>584,402</b>	<b>584,402</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTO- TYPES</b>		

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Line	Program Element	Item	FY 2013 Request	House Authorized
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	34,085	34,085
29	0603216N	AVIATION SURVIVABILITY .....	8,783	8,783
30	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	3,773	3,773
31	0603251N	AIRCRAFT SYSTEMS .....	24,512	24,512
32	0603254N	ASW SYSTEMS DEVELOPMENT .....	8,090	8,090
33	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	5,301	5,301
34	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,506	1,506
35	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES ..	190,622	190,622
36	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	93,346	93,346
37	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	108,871	108,871
39	0603525N	PILOT FISH .....	101,169	101,169
40	0603527N	RETRACT LARCH .....	74,312	74,312
41	0603536N	RETRACT JUNIPER .....	90,730	90,730
42	0603542N	RADIOLOGICAL CONTROL .....	777	777
43	0603553N	SURFACE ASW .....	6,704	6,704
44	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	555,123	929,523
		Program increase .....		[374,400]
45	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	9,368	9,368
46	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	24,609	24,609
47	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	13,710	13,710
48	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	249,748	249,748
49	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	29,897	29,897
50	0603576N	CHALK EAGLE .....	509,988	509,988
51	0603581N	LITTORAL COMBAT SHIP (LCS) .....	429,420	429,420
52	0603582N	COMBAT SYSTEM INTEGRATION .....	56,551	56,551
53	0603609N	CONVENTIONAL MUNITIONS .....	7,342	7,342
54	0603611M	MARINE CORPS ASSAULT VEHICLES .....	95,182	95,182
55	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	10,496	10,496
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	52,331	52,331
57	0603658N	COOPERATIVE ENGAGEMENT .....	56,512	56,512
58	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	7,029	7,029
59	0603721N	ENVIRONMENTAL PROTECTION .....	21,080	21,080
60	0603724N	NAVY ENERGY PROGRAM .....	55,324	55,324
61	0603725N	FACILITIES IMPROVEMENT .....	3,401	3,401
62	0603734N	CHALK CORAL .....	45,966	45,966
63	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,811	3,811
64	0603746N	RETRACT MAPLE .....	341,305	341,305
65	0603748N	LINK PLUMERIA .....	181,220	181,220
66	0603751N	RETRACT ELM .....	174,014	174,014
68	0603764N	LINK EVERGREEN .....	68,654	68,654
69	0603787N	SPECIAL PROCESSES .....	44,487	44,487
70	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,389	9,389
71	0603795N	LAND ATTACK TECHNOLOGY .....	16,132	16,132
72	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	44,994	44,994
73	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/ VAL .....	137,369	137,369
76	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	73,934	73,934
77	0604279N	ASE SELF-PROTECTION OPTIMIZATION .....	711	711
78	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WAR- FARE (JCREW) .....	71,300	71,300
79	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	5,654	5,654
80	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT .....	31,549	31,549
82	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT .....	86,801	86,801
83	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. ....	44,500	44,500
84	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	13,172	13,172
86	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	643	643
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>4,335,297</b>	<b>4,709,697</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
87	0604212N	OTHER HELO DEVELOPMENT .....	33,978	33,978
88	0604214N	AV-8B AIRCRAFT—ENG DEV .....	32,789	32,789
89	0604215N	STANDARDS DEVELOPMENT .....	84,988	84,988
90	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	6,866	6,866
91	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	4,060	4,060
92	0604221N	P-3 MODERNIZATION PROGRAM .....	3,451	3,451
93	0604230N	WARFARE SUPPORT SYSTEM .....	13,071	13,071
94	0604231N	TACTICAL COMMAND SYSTEM .....	71,645	71,645
95	0604234N	ADVANCED HAWKEYE .....	119,065	119,065
96	0604245N	H-1 UPGRADES .....	31,105	31,105
97	0604261N	ACOUSTIC SEARCH SENSORS .....	34,299	34,299
98	0604262N	V-22A .....	54,412	54,412
99	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	2,717	2,717
100	0604269N	EA-18 .....	13,009	13,009



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Line	Program Element	Item	FY 2013 Request	House Authorized
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	51,304	51,304
102	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT .....	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ) .....	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	260,616	510,616
		Cruiser Retention .....		[250,000]
106	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB) .....	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS .....	63,891	63,891
109	0604373N	AIRBORNE MCM .....	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	47,481
		Transfer from RDN 112 to RDN 167 .....		[-75,000]
113	0604501N	ADVANCED ABOVE WATER SENSORS .....	255,516	255,516
114	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	82,620	82,620
115	0604504N	AIR CONTROL .....	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS .....	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	918	918
118	0604558N	NEW DESIGN SSN .....	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,889	3,889
122	0604601N	MINE DEVELOPMENT .....	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	151,489	152,614
		Cruiser Retention .....		[1,125]
131	0604771N	MEDICAL DEVELOPMENT .....	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM .....	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	737,149	737,149
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	743,926	743,926
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	72,209	72,209
138	0605212N	CH-53K RDTE .....	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	421,102	421,102
141	0204202N	DDG-1000 .....	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	23,255	23,255
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>5,747,232</b>	<b>5,923,357</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
146	0604256N	THREAT SIMULATOR DEVELOPMENT .....	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT .....	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT .....	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION ..	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES .....	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES .....	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT .....	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,795	2,795
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT</b>	<b>845,077</b>	<b>845,077</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	142,282	217,282
		Transfer from RDN 112 to RDN 167 .....		[75,000]
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	105,892	105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	25,566	25,566

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175	0204136N	F/A-18 SQUADRONS .....	188,299	188,299
176	0204152N	E-2 SQUADRONS .....	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	15,695	15,695
178	0204228N	SURFACE SUPPORT .....	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	19,843	19,843
186	0205601N	HARM IMPROVEMENT .....	11,477	11,477
187	0205604N	TACTICAL DATA LINKS .....	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	27,342	27,342
189	0205632N	MK-48 ADCAP .....	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS .....	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	3,450	0
		Transfer to Science and Technology (RDN 003A) .....		[-3,450]
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYS- TEMS.	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES .....	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	500	500
210	0305149N	COBRA JUDY .....	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC).	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	14,676	14,676
218	0305220N	RQ-4 UAV .....	657,483	657,483
219	0305231N	MQ-8 UAV .....	99,600	99,600
220	0305232M	RQ-11 UAV .....	495	495
221	0305233N	RQ-7 UAV .....	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0) .....	9,734	9,734
225	0305239M	RQ-21A .....	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT .....	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF) .....	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS .....	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS .....	1,151,159	1,351,159
		Program increase .....		[200,000]
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>3,975,546</b>	<b>4,247,096</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY.</b>	<b>16,882,877</b>	<b>17,718,402</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
1	0601102F	DEFENSE RESEARCH SCIENCES .....	361,787	361,787
2	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	141,153	141,153
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	13,094	13,094
		<b>SUBTOTAL, BASIC RESEARCH</b>	<b>516,034</b>	<b>516,034</b>
		<b>APPLIED RESEARCH</b>		
4	0602102F	MATERIALS .....	114,166	114,166
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	120,719	120,719
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	89,319	89,319
7	0602203F	AEROSPACE PROPULSION .....	232,547	232,547
8	0602204F	AEROSPACE SENSORS .....	127,637	127,637
9	0602601F	SPACE TECHNOLOGY .....	98,375	98,375
10	0602602F	CONVENTIONAL MUNITIONS .....	77,175	77,175
11	0602605F	DIRECTED ENERGY TECHNOLOGY .....	106,196	106,196
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	104,362	104,362
13	0602890F	HIGH ENERGY LASER RESEARCH .....	38,557	38,557
		<b>SUBTOTAL, APPLIED RESEARCH</b>	<b>1,109,053</b>	<b>1,109,053</b>

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<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>				
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	47,890	57,890
		Increase Materials Affordability Initiative program .....		[10,000]
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	6,565	6,565
16	0603203F	ADVANCED AEROSPACE SENSORS .....	37,657	37,657
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	81,376	81,376
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	151,152	151,152
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	32,941	32,941
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	64,557	64,557
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	29,256	29,256
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	21,523	21,523
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	36,352	36,352
24	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	19,004	19,004
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	37,045	37,045
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	31,419	31,419
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT</b>	<b>596,737</b>	<b>606,737</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
28	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	3,866	3,866
29	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,704	3,704
30	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	229,171	227,671
		Project decrease .....		[-1,500]
31	0603432F	POLAR MILSATCOM (SPACE) .....	120,676	120,676
32	0603438F	SPACE CONTROL TECHNOLOGY .....	25,144	23,144
		Project decrease .....		[-2,000]
33	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	32,243	32,243
34	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,507	4,507
35	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	652	652
36	0603830F	SPACE PROTECTION PROGRAM (SPP) .....	10,429	10,429
37	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL .....	19,938	19,938
38	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	71,181	71,181
39	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	12,027	12,027
40	0603859F	POLLUTION PREVENTION—DEM/VAL .....	2,054	2,054
41	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	57,975	57,975
42	0604015F	LONG RANGE STRIKE .....	291,742	291,742
43	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	114,417	114,417
44	0604317F	TECHNOLOGY TRANSFER .....	2,576	2,576
45	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711
47	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	16,343	16,343
48	0604422F	WEATHER SATELLITE FOLLOW-ON .....	2,000	2,000
50	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	9,423	9,423
54	0604857F	OPERATIONALLY RESPONSIVE SPACE .....		25,000
		Operationally Responsive Space .....		[25,000]
55	0604858F	TECH TRANSITION PROGRAM .....	37,558	34,558
		Project decrease .....		[-3,000]
56	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	96,840	96,840
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>1,181,177</b>	<b>1,199,677</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
58	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	14,652	14,652
59	0604222F	NUCLEAR WEAPONS SUPPORT .....	25,713	25,713
60	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	6,583	6,583
61	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	1,975	1,975
62	0604280F	JOINT TACTICAL RADIO .....	2,594	2,594
63	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	24,534	24,534
64	0604287F	PHYSICAL SECURITY EQUIPMENT .....	51	51
65	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	143,000	143,000
66	0604421F	COUNTERSPACE SYSTEMS .....	28,797	28,797
67	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	267,252	267,252
68	0604429F	AIRBORNE ELECTRONIC ATTACK .....	4,118	4,118
69	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	448,594	446,594
		Project decrease .....		[-2,000]
70	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	9,951	9,951
71	0604604F	SUBMUNITIONS .....	2,567	2,567
72	0604617F	AGILE COMBAT SUPPORT .....	13,059	13,059
73	0604706F	LIFE SUPPORT SYSTEMS .....	9,720	9,720
74	0604735F	COMBAT TRAINING RANGES .....	9,222	9,222
76	0604750F	INTELLIGENCE EQUIPMENT .....	803	803
77	0604800F	F-35—EMD .....	1,210,306	1,210,306
78	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD .....	135,437	135,437

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79	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	7,980	7,980
80	0604932F	LONG RANGE STANDOFF WEAPON .....	2,004	2,004
81	0604933F	ICBM FUZE MODERNIZATION .....	73,512	73,512
82	0605213F	F-22 MODERNIZATION INCREMENT 3.2B .....	140,100	140,100
83	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	1,815,588	1,815,588
84	0605229F	CSAR HH-60 RECAPITALIZATION .....	123,210	123,210
85	0605278F	HC/MC-130 RECAP RDT&E .....	19,039	19,039
86	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	281,056	281,056
87	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	80,200	80,200
89	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE.	310	310
90	0207701F	FULL COMBAT MISSION TRAINING .....	14,861	14,861
91	0305230F	MC-12 .....	19,949	19,949
92	0401138F	C-27J AIRLIFT SQUADRONS .....		25,000
		Joint Cargo Aircraft .....		[25,000]
93	0401318F	CV-22 .....	28,027	28,027
94	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	1,960	1,960
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>4,966,724</b>	<b>4,989,724</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
95	0604256F	THREAT SIMULATOR DEVELOPMENT .....	22,812	22,812
96	0604759F	MAJOR T&E INVESTMENT .....	42,236	42,236
97	0605101F	RAND PROJECT AIR FORCE .....	25,579	25,579
99	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT .....	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP) .....	10,051	45,001
		Program increase .....		[34,950]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING .....	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES .....	3,851	3,851
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT</b>	<b>1,190,349</b>	<b>1,225,299</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	371,595	370,095
		Project decrease .....		[-1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	17,037	17,037
117	0101113F	B-52 SQUADRONS .....	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	431	431
119	0101126F	B-1B SQUADRONS .....	16,265	16,265
120	0101127F	B-2 SQUADRONS .....	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM .....	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	15,098	15,098
127	0205219F	MQ-9 UAV .....	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....	49,848	49,848
129	0207131F	A-10 SQUADRONS .....	13,538	13,538
130	0207133F	F-16 SQUADRONS .....	190,257	190,257
131	0207134F	F-15E SQUADRONS .....	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	13,683	13,683
133	0207138F	F-22A SQUADRONS .....	371,667	371,667
134	0207142F	F-35 SQUADRONS .....	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES .....	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY .....	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE .....	1,119	1,119
140	0207247F	AF TENCAP .....	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	1,063	1,063
142	0207253F	COMPASS CALL .....	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	65,200	65,200

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149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK .....	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	18,086	18,086
158	0207452F	DCAPES .....	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	24,241	24,241
160	0207590F	SEEK EAGLE .....	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION .....	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS .....	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS .....	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT .....	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES .....	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	12,056	12,056
175	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	4,316	4,316
180	0303601F	MILSATCOM TERMINALS .....	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE .....	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE .....	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER .....	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	33,773	33,773
189	0305111F	WEATHER SERVICE .....	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	43,187	43,187
191	0305116F	AERIAL TARGETS .....	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION .....	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,680	3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER .....	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	8,760	8,760
205	0305202F	DRAGON U-2 .....	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	63,501	63,501
210	0305219F	MQ-1 PREDATOR A UAV .....	9,122	9,122
211	0305220F	RQ-4 UAV .....	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL) .....	38,094	38,094
214	0305238F	NATO AGS .....	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE .....	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT .....	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM .....	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION .....	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	64,965	64,965
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW) .....	1,175	1,175
224	0401115F	C-130 AIRLIFT SQUADRON .....	5,000	5,000
225	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	35,115	35,115
226	0401130F	C-17 AIRCRAFT (IF) .....	99,225	99,225
227	0401132F	C-130J PROGRAM .....	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA) .....	100	100
231	0401219F	KC-108 .....	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	7,471	7,471
234	0408011F	SPECIAL TACTICS/COMBAT CONTROL .....	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES .....	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	119,327	119,327
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING .....	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES .....	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM .....	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION .....	7,634	7,634

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246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE .....	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	100,160	100,160
249A	9999999999	CLASSIFIED PROGRAMS .....	11,172,183	11,172,183
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>15,867,972</b>	<b>15,866,472</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF.</b>	<b>25,428,046</b>	<b>25,512,996</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	45,071	45,071
2	0601101E	DEFENSE RESEARCH SCIENCES .....	309,051	309,051
3	0601110D8Z	BASIC RESEARCH INITIATIVES .....	19,405	19,405
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	39,676	39,676
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	87,979	87,979
6	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	50,566	50,566
		<b>SUBTOTAL, BASIC RESEARCH</b>	<b>551,748</b>	<b>551,748</b>
		<b>APPLIED RESEARCH</b>		
7	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	20,615	20,615
8	0602115E	BIOMEDICAL TECHNOLOGY .....	110,900	110,900
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.		10,000
		Program increase .....		[10,000]
10	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	36,826	36,826
11	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH .....	7,898	7,898
12	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	392,421	392,421
13	0602304E	COGNITIVE COMPUTING SYSTEMS .....	30,424	30,424
15	0602383E	BIOLOGICAL WARFARE DEFENSE .....	19,236	19,236
16	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	223,269	223,269
17	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH .....	13,753	13,753
18	0602668D8Z	CYBER SECURITY RESEARCH .....	18,985	18,985
19	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	6,771	6,771
20	0602702E	TACTICAL TECHNOLOGY .....	233,209	233,209
21	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	166,067	166,067
22	0602716E	ELECTRONICS TECHNOLOGY .....	222,416	222,416
23	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES ...	172,352	172,352
24	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	28,739	28,739
		<b>SUBTOTAL, APPLIED RESEARCH</b>	<b>1,703,881</b>	<b>1,713,881</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>		
25	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	25,612	25,612
26	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	26,324	26,324
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	77,144	77,144
28	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	275,022	275,022
29	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	79,975	79,975
31	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT ....	20,032	20,032
32	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	3,892	3,892
33	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY .....	36,685	36,685
34	0603286E	ADVANCED AEROSPACE SYSTEMS .....	174,316	149,316
		Program decrease .....		[-25,000]
35	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	159,704	159,704
36	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	234,280	234,280
37	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	6,983	6,983
38	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	158,263	158,263
39	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	25,393	25,393
40	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT.	13,754	13,754
42	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH .....	19,935	19,935
43	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235
44	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	21,966
45	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	24,662	24,662
47	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS ....	24,605	24,605
48	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	30,678	30,678
49	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	65,282	65,282
50	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	72,234	82,234
		Program increase .....		[10,000]
51	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	8,403	8,403

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52	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	111,008	111,008
54	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	237,859	212,859
		Program reduction .....		[-25,000]
55	0603765E	CLASSIFIED DARPA PROGRAMS .....	3,000	3,000
56	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	236,883	236,883
57	0603767E	SENSOR TECHNOLOGY .....	299,438	299,438
58	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	12,195	12,195
59	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	30,036	30,036
60	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	107,002	107,002
62	0603828J	JOINT EXPERIMENTATION .....	21,230	21,230
63	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	47,433	47,433
64	0603901C	DIRECTED ENERGY RESEARCH .....	46,944	76,944
		Program increase .....		[30,000]
65	0603902C	NEXT GENERATION AEGIS MISSILE .....	224,077	224,077
66	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	92,602	92,602
68	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	26,244	26,244
69	0303310D8Z	CWMD SYSTEMS .....	53,946	53,946
70	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	45,317	45,317
71	1160422BB	AVIATION ENGINEERING ANALYSIS .....	861	861
72	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD).</b>	<b>3,194,413</b>	<b>3,184,413</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
73	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234
74	0603527D8Z	RETRACT LARCH .....	21,023	21,023
75	0603600D8Z	WALKOFF .....	94,624	94,624
77	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	16,958	16,958
78	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	75,941	75,941
79	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
80	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	903,172	1,363,172
		East Coast site planning and development, and EIS work .....		[103,000]
		Program increase .....		[357,000]
81	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL ..	179,023	179,023
82	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	347,012	347,012
84	0603890C	BMD ENABLING PROGRAMS .....	362,711	362,711
85	0603891C	SPECIAL PROGRAMS—MDA .....	272,387	272,387
86	0603892C	AEGIS BMD .....	992,407	992,407
87	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	51,313	51,313
88	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	6,912	6,912
89	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552
90	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
91	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	63,043	63,043
92	0603906C	REGARDING TRENCH .....	11,371	11,371
93	0603907C	SEA BASED X-BAND RADAR (SBX) .....	9,730	9,730
94	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	99,836	267,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs .....		[168,000]
95	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	454,400	454,400
96	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	435,747	435,747
97	0603920D8Z	HUMANITARIAN DEMINING .....	13,231	13,231
98	0603923D8Z	COALITION WARFARE .....	11,398	11,398
99	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,283	3,283
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	5,131	5,131
104	0604787J	JOINT SYSTEMS INTEGRATION .....	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM ....	7,364	7,364
107	0604880C	LAND-BASED SM-3 (LB8M3) .....	276,338	276,338
108	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E .....	297,375	50,000
		Project decrease to support technology development .....		[-247,375]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST) .....	58,742	58,742
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,158	3,158
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>6,282,166</b>	<b>6,662,791</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817

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

Line	Program Element	Item	FY 2013 Request	House Authorized
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	1,859	1,859
127	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES .....	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION .....	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES ..	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEDM).	3,556	3,556
<b>SUBTOTAL, SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD).</b>			<b>694,287</b>	<b>694,287</b>
<b>RDT&amp;E MANAGEMENT SUPPORT</b>				
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	2,419	2,419
139	0604943D8Z	THERMAL VICAR .....	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	32,266	32,266
142	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING .....	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION ....	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	15,110	15,110
166	0605898E	MANAGEMENT HQ—R&D .....	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES ..	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE .....	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA .....	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS .....	104	104
184A	9999999999	CLASSIFIED PROGRAMS .....	64,255	64,255
<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT</b>			<b>887,928</b>	<b>887,928</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS).	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY .....	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) .....	3,922	3,922
192	0208045K	C4I INTEROPERABILITY .....	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931



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

Line	Program Element	Item	FY 2013 Request	House Authorized
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	191,452	241,452
		Program increase .....		[50,000]
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	36,575	46,575
		Program increase .....		[10,000]
212	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) ..	1,294	1,294
215	0303610K	TELEPORT PROGRAM .....	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE .....	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS .....	6,360	6,360
229	0305199D8Z	NET CENTRICITY .....	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	7,114	7,714
		Program increase .....		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,247	3,247
237	0305219BB	MQ-1 PREDATOR A UAV .....	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS .....	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS .....	4,100	4,100
253	1105219BB	MQ-9 UAV .....	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT.	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT .....	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	10,131	10,131
263	1160429BB	AC/MC-130J .....	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS.	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS .....	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS .....	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES .....	11,325	11,325
270	1160481BB	SOF MUNITIONS .....	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION .....	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS .....	26,405	61,405
		Program increase .....		[35,000]
273	1160484BB	SOF SURFACE CRAFT .....	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	16,386	16,386
276A	999999999	CLASSIFIED PROGRAMS .....	3,754,516	3,774,416
		Program increases .....		[10,000]
		Program increases .....		[9,900]
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>4,667,738</b>	<b>4,783,238</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW.</b>	<b>17,982,161</b>	<b>18,478,286</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE RDT&amp;E MANAGEMENT SUPPORT</b>		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	72,501	107,501
		Program increase for DOT&E cyber—range operations .....		[25,000]
		Program increase for DOT&E cyber—threat development and assessment.		[10,000]
2	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	49,201	49,201
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	63,566	63,566
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT</b>	<b>185,268</b>	<b>220,268</b>
		<b>TOTAL, OPERATIONAL TEST &amp; EVAL, DEFENSE</b>	<b>185,268</b>	<b>220,268</b>
		<b>TOTAL RDT&amp;E</b>	<b>69,407,767</b>	<b>70,387,256</b>

1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUA-**  
2 **TION FOR OVERSEAS CONTINGENCY OPER-**  
3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	House Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	19,860	19,860
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>19,860</b>	<b>19,860</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY.</b>	<b>19,860</b>	<b>19,860</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	4,600	4,600
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>4,600</b>	<b>4,600</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
131	0604771N	MEDICAL DEVELOPMENT .....	2,173	2,173
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>2,173</b>	<b>2,173</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	5,200	5,200
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>5,200</b>	<b>5,200</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	6,762	6,762
221	0305233N	RQ-7 UAV .....	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS .....	33,784	33,784
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>48,146</b>	<b>48,146</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY.</b>	<b>60,119</b>	<b>60,119</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF OPERATIONAL SYSTEMS DEVELOPMENT</b>		
249A	9999999999	CLASSIFIED PROGRAMS .....	53,150	53,150
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>53,150</b>	<b>53,150</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF.</b>	<b>53,150</b>	<b>53,150</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW APPLIED RESEARCH</b>		
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE. Program increase .....		10,000 [10,000]
		<b>SUBTOTAL, APPLIED RESEARCH .....</b>		<b>10,000</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>		
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....		25,000
		Program increase .....		[25,000]
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD).</b>		<b>25,000</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>		
94	0603913C	ISRAELI COOPERATIVE PROGRAMS .....		680,000
		Iron Dome .....		[680,000]
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM .....		200,000
		Program increase .....		[200,000]
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>		<b>880,000</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
239	0305231BB	MQ-8 UAV .....	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS .....	107,387	107,387

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT</b>	<b>112,387</b>	<b>112,387</b>
		<b>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW.</b>	<b>112,387</b>	<b>1,027,387</b>
		<b>TOTAL RDT&amp;E</b>	<b>245,516</b>	<b>1,160,516</b>

1 **TITLE XLIII—OPERATION AND**  
2 **MAINTENANCE**  
3 **SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	<b>OPERATION &amp; MAINTENANCE, ARMY OPERATING FORCES</b>		
10	MANEUVER UNITS	1,223,087	1,223,087
20	MODULAR SUPPORT BRIGADES	80,574	80,574
30	ECHELONS ABOVE BRIGADE	723,039	723,039
40	THEATER LEVEL ASSETS	706,974	706,974
50	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
60	AVIATION ASSETS	1,319,832	1,319,832
70	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
80	LAND FORCES SYSTEMS READINESS	454,774	454,774
90	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,041,074	3,234,674
	Realignment to Cemeterial Expenses, Army		[-25,000]
	Restoration and Modernization of Facilities		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333
	<b>SUBTOTAL, OPERATING FORCES</b>	<b>22,436,871</b>	<b>22,630,471</b>
	<b>MOBILIZATION</b>		
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	<b>SUBTOTAL, MOBILIZATION</b>	<b>607,224</b>	<b>607,224</b>
	<b>TRAINING AND RECRUITING</b>		
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	<b>SUBTOTAL, TRAINING AND RECRUITING</b>	<b>5,058,610</b>	<b>5,058,610</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
390	ADMINISTRATION .....	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS .....	1,547,925	1,547,925
410	MANPOWER MANAGEMENT .....	362,205	362,205
420	OTHER PERSONNEL SUPPORT .....	220,754	220,754
430	OTHER SERVICE SUPPORT .....	1,153,556	1,150,509
	Army Museum Funding (Early to need) .....		[-3,047]
440	ARMY CLAIMS ACTIVITIES .....	250,970	250,970
450	REAL ESTATE MANAGEMENT .....	222,351	222,351
460	BASE OPERATIONS SUPPORT .....	222,379	222,379
470	SUPPORT OF NATO OPERATIONS .....	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS .....	25,637	25,637
490	CLASSIFIED PROGRAMS .....	1,052,595	1,052,595
	<b>SUBTOTAL, ADMIN &amp; SRVWIDE ACTIVITIES ....</b>	<b>8,505,887</b>	<b>8,502,840</b>
<b>UNDISTRIBUTED ADJUSTMENTS</b>			
500	UNDISTRIBUTED ADJUSTMENTS .....		-350,700
	Army Medical Evacuation Paramedic Certification Training .....		[5,000]
	Historical unobligated balances .....		[-289,200]
	Overestimate of Foreign Currency Fluctuation Costs .....		[-66,500]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>-350,700</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>36,608,592</b>	<b>36,448,445</b>
<b>OPERATION &amp; MAINTENANCE, NAVY OPERATING FORCES</b>			
10	MISSION AND OTHER FLIGHT OPERATIONS .....	4,918,144	4,927,144
	Cruiser Retention .....		[9,000]
20	FLEET AIR TRAINING .....	1,886,825	1,886,825
30	AVIATION TECHNICAL DATA & ENGINEERING SERV- ICES .....	44,032	44,032
40	AIR OPERATIONS AND SAFETY SUPPORT .....	101,565	101,565
50	AIR SYSTEMS SUPPORT .....	374,827	374,827
60	AIRCRAFT DEPOT MAINTENANCE .....	960,802	960,802
70	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	37,545	37,545
80	AVIATION LOGISTICS .....	328,805	328,805
90	MISSION AND OTHER SHIP OPERATIONS .....	4,686,535	4,711,185
	Cruiser Retention .....		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	769,204	769,204
110	SHIP DEPOT MAINTENANCE .....	5,089,981	5,157,944
	Cruiser Retention .....		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,315,366	1,329,237
	Cruiser Retention .....		[13,871]
130	COMBAT COMMUNICATIONS .....	619,909	619,909
140	ELECTRONIC WARFARE .....	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE .....	174,437	174,437
160	WARFARE TACTICS .....	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY ..	333,554	333,554
180	COMBAT SUPPORT FORCES .....	910,087	910,087
190	EQUIPMENT MAINTENANCE .....	167,158	167,158
200	DEPOT OPERATIONS SUPPORT .....	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS .....	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569
230	CRUISE MISSILE .....	111,884	111,884
240	FLEET BALLISTIC MISSILE .....	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	87,606	87,606
260	WEAPONS MAINTENANCE .....	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT .....	300,435	300,435
280	ENTERPRISE INFORMATION .....	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	2,101,279	2,155,879
	Restoration and Modernization of Facilities .....		[54,600]
300	BASE OPERATING SUPPORT .....	4,822,093	4,822,093
	<b>SUBTOTAL, OPERATING FORCES</b> .....	<b>33,758,297</b>	<b>33,928,381</b>
<b>MOBILIZATION</b>			
310	SHIP PREPOSITIONING AND SURGE .....	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS .....	1,066,329	587,329
	Cruiser Retention .....		[-9,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	Fiscal year 2013 portion of USS ENTERPRISE Inactivation Costs .....		[−470,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	83,901	83,901
350	INDUSTRIAL READINESS .....	2,695	2,695
360	COAST GUARD SUPPORT .....	23,502	23,502
	<b>SUBTOTAL, MOBILIZATION .....</b>	<b>1,517,648</b>	<b>1,038,648</b>
	<b>TRAINING AND RECRUITING</b>		
370	OFFICER ACQUISITION .....	147,807	147,807
380	RECRUIT TRAINING .....	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS .....	139,220	139,220
400	SPECIALIZED SKILL TRAINING .....	582,177	582,177
410	FLIGHT TRAINING .....	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION .....	170,746	170,746
430	TRAINING SUPPORT .....	153,403	153,403
440	RECRUITING AND ADVERTISING .....	241,329	242,267
	Naval Sea Cadet Corps .....		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION .....	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING .....	105,776	105,776
470	JUNIOR ROTC .....	51,817	51,817
	<b>SUBTOTAL, TRAINING AND RECRUITING .....</b>	<b>1,716,430</b>	<b>1,717,368</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
480	ADMINISTRATION .....	797,177	797,177
490	EXTERNAL RELATIONS .....	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	235,753	235,753
520	OTHER PERSONNEL SUPPORT .....	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS .....	363,213	363,213
550	SERVICEWIDE TRANSPORTATION .....	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN .....	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT .....	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS .....	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE .....	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	4,984	4,984
710	CLASSIFIED PROGRAMS .....	537,079	537,079
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,614,568</b>	<b>4,614,568</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
720	UNDISTRIBUTED ADJUSTMENTS .....		−166,400
	Historical unobligated balances .....		[−166,400]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>−166,400</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>41,606,943</b>	<b>41,132,565</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS OPERATING FORCES</b>		
10	OPERATIONAL FORCES .....	788,055	788,055
20	FIELD LOGISTICS .....	762,614	762,614
30	DEPOT MAINTENANCE .....	168,447	168,447
40	MARITIME PREPOSITIONING .....	100,374	100,374
50	SUSTAINMENT, RESTORATION & MODERNIZATION .....	825,039	847,839
	Restoration and Modernization of Facilities .....		[22,800]
60	BASE OPERATING SUPPORT .....	2,188,883	2,188,883
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>4,833,412</b>	<b>4,856,212</b>
	<b>TRAINING AND RECRUITING</b>		
70	RECRUIT TRAINING .....	18,251	18,251
80	OFFICER ACQUISITION .....	869	869
90	SPECIALIZED SKILL TRAINING .....	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION .....	42,744	42,744
110	TRAINING SUPPORT .....	292,150	292,150
120	RECRUITING AND ADVERTISING .....	168,609	178,609
	Recruiting and advertising .....		[10,000]
130	OFF-DUTY AND VOLUNTARY EDUCATION .....	56,865	56,865
140	JUNIOR ROTC .....	19,912	19,912

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>SUBTOTAL, TRAINING AND RECRUITING .....</b>	<b>680,314</b>	<b>690,314</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	SERVICEWIDE TRANSPORTATION .....	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT .....	83,404	83,404
190	CLASSIFIED PROGRAMS .....	346,071	346,071
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>469,437</b>	<b>469,437</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
200	UNDISTRIBUTED ADJUSTMENTS .....		-23,900
	Historical unobligated balances .....		[-23,900]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>-23,900</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, MA- RINE CORPS .....</b>	<b>5,983,163</b>	<b>5,992,063</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE OPERATING FORCES</b>		
10	PRIMARY COMBAT FORCES .....	2,973,141	2,973,141
20	COMBAT ENHANCEMENT FORCES .....	1,611,032	1,744,032
	Global Hawk Block 30 .....		[133,000]
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) ..	1,472,806	1,472,806
40	DEPOT MAINTENANCE .....	5,545,470	5,545,470
50	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	1,353,987	1,569,487
	Restoration and Modernization of Facilities .....		[215,500]
60	BASE SUPPORT .....	2,595,032	2,595,032
70	GLOBAL C3I AND EARLY WARNING .....	957,040	957,040
80	OTHER COMBAT OPS SPT PROGRAMS .....	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	733,716	733,716
110	LAUNCH FACILITIES .....	314,490	314,490
120	SPACE CONTROL SYSTEMS .....	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	862,979
140	COMBATANT COMMANDERS CORE OPERATIONS .....	222,429	222,429
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>20,047,084</b>	<b>20,395,584</b>
	<b>MOBILIZATION</b>		
150	AIRLIFT OPERATIONS .....	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS .....	154,049	154,049
170	DEPOT MAINTENANCE .....	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	309,699	309,699
190	BASE SUPPORT .....	707,574	707,574
	<b>SUBTOTAL, MOBILIZATION .....</b>	<b>4,434,097</b>	<b>4,434,097</b>
	<b>TRAINING AND RECRUITING</b>		
200	OFFICER ACQUISITION .....	115,427	115,427
210	RECRUIT TRAINING .....	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	336,433	336,433
240	BASE SUPPORT .....	842,441	842,441
250	SPECIALIZED SKILL TRAINING .....	482,634	482,634
260	FLIGHT TRAINING .....	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	235,114	235,114
280	TRAINING SUPPORT .....	101,231	101,231
290	DEPOT MAINTENANCE .....	233,330	233,330
310	RECRUITING AND ADVERTISING .....	130,217	130,217
320	EXAMINING .....	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION .....	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING .....	175,147	175,147
350	JUNIOR ROTC .....	74,809	74,809
	<b>SUBTOTAL, TRAINING AND RECRUITING .....</b>	<b>3,745,868</b>	<b>3,745,868</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
360	LOGISTICS OPERATIONS .....	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES .....	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	303,610	303,610
400	BASE SUPPORT .....	1,266,800	1,266,800

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
410	ADMINISTRATION .....	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS .....	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES .....	1,094,509	1,094,509
440	CIVIL AIR PATROL .....	23,904	23,904
470	INTERNATIONAL SUPPORT .....	81,307	81,307
480	CLASSIFIED PROGRAMS .....	1,239,040	1,239,040
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>7,208,311</b>	<b>7,208,311</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
490	UNDISTRIBUTED ADJUSTMENTS .....		-43,700
	Historical unobligated balances .....		[-141,700]
	Overestimate of Foreign Currency Fluctuation Costs .....		[-32,000]
	Retain Air Force Force Structure .....		[130,000]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>-43,700</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>35,435,360</b>	<b>35,740,160</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>		
10	JOINT CHIEFS OF STAFF .....	485,708	485,708
20	SPECIAL OPERATIONS COMMAND .....		5,091,001
	Transfer from line 025 .....		[5,091,001]
25	CLASSIFIED PROGRAMS .....	5,091,001	0
	Transfer to Line 020 .....		[-5,091,001]
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>5,576,709</b>	<b>5,576,709</b>
	<b>TRAINING AND RECRUITING</b>		
30	DEFENSE ACQUISITION UNIVERSITY .....	147,210	144,710
	Program decrease .....		[-2,500]
40	NATIONAL DEFENSE UNIVERSITY .....	84,999	82,499
	Program decrease .....		[-2,500]
	<b>SUBTOTAL, TRAINING AND RECRUITING .....</b>	<b>232,209</b>	<b>227,209</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
50	CIVIL MILITARY PROGRAMS .....	161,294	161,294
80	DEFENSE CONTRACT AUDIT AGENCY .....	573,973	573,973
90	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE .....	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY .....	35,137	35,137
150	DEFENSE LOGISTICS AGENCY .....	431,893	431,893
160	DEFENSE MEDIA ACTIVITY .....	224,013	224,013
170	DEFENSE POW/MIA OFFICE .....	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY .....	557,917	557,917
190	DEFENSE SECURITY SERVICE .....		506,662
	Transfer from Line 280 .....		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY .....		443,382
	Transfer from Line 280 .....		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY .....	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT .....	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE .....	2,095,362	2,135,362
	Advancing Diversity and EO .....		[5,000]
	Office of Net Assessment .....		[10,000]
	Readiness Environmental Protection Initiative .....		[25,000]
270	WASHINGTON HEADQUARTERS SERVICE .....	521,297	521,297
280	CLASSIFIED PROGRAMS .....	14,933,801	14,045,757
	Program increase .....		[62,000]
	Transfer to Line 190 .....		[-506,662]
	Transfer to Line 210 .....		[-443,382]
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>26,184,095</b>	<b>26,286,095</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
290	UNDISTRIBUTED ADJUSTMENTS .....		-107,700
	DOD Impact Aid .....		[30,000]
	Historical unobligated balances .....		[-128,000]
	Overestimate of Foreign Currency Fluctuation Costs .....		[-9,700]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>-107,700</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, DE- FENSE-WIDE</b>	<b>31,993,013</b>	<b>31,982,313</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
10	MANEUVER UNITS .....	1,391	1,391
20	MODULAR SUPPORT BRIGADES .....	20,889	20,889
30	ECHELONS ABOVE BRIGADE .....	592,724	592,724
40	THEATER LEVEL ASSETS .....	114,983	114,983
50	LAND FORCES OPERATIONS SUPPORT .....	633,091	633,091
60	AVIATION ASSETS .....	76,823	76,823
70	FORCE READINESS OPERATIONS SUPPORT .....	481,997	481,997
80	LAND FORCES SYSTEMS READINESS .....	70,118	70,118
90	LAND FORCES DEPOT MAINTENANCE .....	141,205	141,205
100	BASE OPERATIONS SUPPORT .....	561,878	561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	287,399	308,099
	Restoration and Modernization of Facilities .....		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	52,431	52,431
	<b>SUBTOTAL, OPERATING FORCES</b>	<b>3,034,929</b>	<b>3,055,629</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
140	SERVICEWIDE TRANSPORTATION .....	12,995	12,995
150	ADMINISTRATION .....	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS .....	4,895	4,895
170	MANPOWER MANAGEMENT .....	16,074	16,074
180	RECRUITING AND ADVERTISING .....	60,683	60,683
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES</b>	<b>127,079</b>	<b>127,079</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
190	UNDISTRIBUTED ADJUSTMENTS .....		1,100
	Army Medical Evacuation Paramedic Certification Training .....		[5,000]
	Deny request of increase for technicians .....		[-3,900]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>1,100</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY RES</b>	<b>3,162,008</b>	<b>3,183,808</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>OPERATING FORCES</b>		
10	MISSION AND OTHER FLIGHT OPERATIONS .....	616,776	616,776
20	INTERMEDIATE MAINTENANCE .....	15,076	15,076
30	AIR OPERATIONS AND SAFETY SUPPORT .....	1,479	1,479
40	AIRCRAFT DEPOT MAINTENANCE .....	107,251	107,251
50	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	355	355
60	MISSION AND OTHER SHIP OPERATIONS .....	82,186	82,186
70	SHIP OPERATIONS SUPPORT & TRAINING .....	589	589
80	SHIP DEPOT MAINTENANCE .....	48,593	48,593
90	COMBAT COMMUNICATIONS .....	15,274	15,274
100	COMBAT SUPPORT FORCES .....	124,917	124,917
110	WEAPONS MAINTENANCE .....	1,978	1,978
120	ENTERPRISE INFORMATION .....	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	60,646	60,646
140	BASE OPERATING SUPPORT .....	105,227	105,227
	<b>SUBTOTAL, OPERATING FORCES</b>	<b>1,224,046</b>	<b>1,224,046</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	ADMINISTRATION .....	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGE- MENT .....	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS .....	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT .....	3,090	3,090
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES</b>	<b>22,936</b>	<b>22,936</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY RES</b>	<b>1,246,982</b>	<b>1,246,982</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>		



SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
<b>OPERATING FORCES</b>			
10	OPERATING FORCES .....	89,690	89,690
20	DEPOT MAINTENANCE .....	16,735	16,735
30	SUSTAINMENT, RESTORATION AND MODERNIZATION ..	37,913	37,913
40	BASE OPERATING SUPPORT .....	103,746	103,746
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>248,084</b>	<b>248,084</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
50	SERVICEWIDE TRANSPORTATION .....	873	873
60	ADMINISTRATION .....	14,330	14,330
70	RECRUITING AND ADVERTISING .....	8,998	8,998
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>24,201</b>	<b>24,201</b>
<b>TOTAL, OPERATION &amp; MAINTENANCE, MC RESERVE .....</b>			
		<b>272,285</b>	<b>272,285</b>
<b>OPERATION &amp; MAINTENANCE, AF RESERVE OPERATING FORCES</b>			
10	PRIMARY COMBAT FORCES .....	2,089,326	2,089,326
20	MISSION SUPPORT OPERATIONS .....	112,992	112,992
30	DEPOT MAINTENANCE .....	406,101	406,101
40	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	71,564	78,264
	Restoration and Modernization of Facilities .....		[6,700]
50	BASE SUPPORT .....	364,862	364,862
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>3,044,845</b>	<b>3,051,545</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
60	ADMINISTRATION .....	78,824	78,824
70	RECRUITING AND ADVERTISING .....	16,020	16,020
80	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	19,496	19,496
90	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,489	6,489
100	AUDIOVISUAL .....	808	808
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>121,637</b>	<b>121,637</b>
<b>UNDISTRIBUTED ADJUSTMENTS</b>			
110	UNDISTRIBUTED ADJUSTMENTS .....		161,617
	Retain Air Force Reserve Force Structure .....		[161,617]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>161,617</b>
<b>TOTAL, OPERATION &amp; MAINTENANCE, AF RESERVE .....</b>			
		<b>3,166,482</b>	<b>3,334,799</b>
<b>OPERATION &amp; MAINTENANCE, ARNG OPERATING FORCES</b>			
10	MANEUVER UNITS .....	680,206	680,206
20	MODULAR SUPPORT BRIGADES .....	186,408	186,408
30	ECHELONS ABOVE BRIGADE .....	865,628	865,628
40	THEATER LEVEL ASSETS .....	112,651	112,651
50	LAND FORCES OPERATIONS SUPPORT .....	36,091	36,091
60	AVIATION ASSETS .....	907,011	907,011
70	FORCE READINESS OPERATIONS SUPPORT .....	751,606	751,606
80	LAND FORCES SYSTEMS READINESS .....	60,043	60,043
90	LAND FORCES DEPOT MAINTENANCE .....	411,940	411,940
100	BASE OPERATIONS SUPPORT .....	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	688,189	737,589
	Restoration and Modernization of Facilities .....		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	953,716	953,716
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>6,648,912</b>	<b>6,698,312</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
130	SERVICEWIDE TRANSPORTATION .....	11,806	11,806
140	REAL ESTATE MANAGEMENT .....	1,656	1,656
150	ADMINISTRATION .....	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS .....	39,513	39,513
170	MANPOWER MANAGEMENT .....	7,224	7,224
180	RECRUITING AND ADVERTISING .....	310,143	310,143
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>459,700</b>	<b>459,700</b>

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
190	UNDISTRIBUTED ADJUSTMENTS .....		-79,700
	Army Medical Evacuation Paramedic Certification Training .....		[5,000]
	Deny request of increase for technicians .....		[-95,000]
	Retain Army National Guard Force Structure .....		[10,300]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>-79,700</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>7,108,612</b>	<b>7,078,312</b>
	<b>OPERATION &amp; MAINTENANCE, ANG OPERATING FORCES</b>		
10	AIRCRAFT OPERATIONS .....	3,559,824	3,563,329
	Aerospace Control Alert .....		[3,505]
20	MISSION SUPPORT OPERATIONS .....	721,225	721,225
30	DEPOT MAINTENANCE .....	774,875	774,875
40	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	270,709	295,409
	Restoration and Modernization of Facilities .....		[24,700]
50	BASE SUPPORT .....	624,443	624,443
	<b>SUBTOTAL, OPERATING FORCES</b> .....	<b>5,951,076</b>	<b>5,979,281</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
60	ADMINISTRATION .....	32,358	32,358
70	RECRUITING AND ADVERTISING .....	32,021	32,021
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>64,379</b>	<b>64,379</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
80	UNDISTRIBUTED ADJUSTMENTS .....		286,800
	Retain Air National Guard Force Structure .....		[286,800]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b>		<b>286,800</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ANG</b>	<b>6,015,455</b>	<b>6,330,460</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
20	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	108,759	108,759
30	COOPERATIVE THREAT REDUCTION .....	519,111	519,111
40	ACQ WORKFORCE DEV FD .....	274,198	274,198
50	ENVIRONMENTAL RESTORATION, ARMY .....	335,921	335,921
	<b>SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS</b> .....	<b>1,237,989</b>	<b>1,237,989</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
60	ENVIRONMENTAL RESTORATION, NAVY .....	310,594	310,594
	<b>SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS</b> .....	<b>310,594</b>	<b>310,594</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
70	ENVIRONMENTAL RESTORATION, AIR FORCE .....	529,263	529,263
	<b>SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS</b> .....	<b>529,263</b>	<b>529,263</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
10	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE .....	13,516	13,516
80	ENVIRONMENTAL RESTORATION, DEFENSE .....	11,133	11,133
	<b>SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS</b> .....	<b>24,649</b>	<b>24,649</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
90	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	237,543	237,543
	<b>SUBTOTAL, MISCELLANEOUS APPROPRIA- TIONS</b> .....	<b>237,543</b>	<b>237,543</b>
	<b>TOTAL, MISCELLANEOUS APPROPRIA- TIONS</b> .....	<b>2,340,038</b>	<b>2,340,038</b>

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>TOTAL, OPERATION &amp; MAINTENANCE</b> .....	<b>174,938,933</b>	<b>175,082,230</b>

1 **SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS**  
2 **CONTINGENCY OPERATIONS.**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>OPERATION &amp; MAINTENANCE, ARMY</b>		
	<b>OPERATING FORCES</b>		
40	THEATER LEVEL ASSETS .....	2,758,162	2,758,162
50	LAND FORCES OPERATIONS SUPPORT .....	991,396	991,396
60	AVIATION ASSETS .....	40,300	40,300
70	FORCE READINESS OPERATIONS SUPPORT .....	1,755,445	1,755,445
80	LAND FORCES SYSTEMS READINESS .....	307,244	307,244
100	BASE OPERATIONS SUPPORT .....	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	250,000	250,000
140	ADDITIONAL ACTIVITIES .....	12,524,137	12,395,137
	Reduction to Task Force for Business and Stability Operations .....		[-129,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	400,000	200,000
	Historical underexecution .....		[-200,000]
160	RESET .....	3,687,973	3,437,973
	Unexecutable depot-level maintenance .....		[-250,000]
	<b>SUBTOTAL, OPERATING FORCES</b> .....	<b>23,107,822</b>	<b>22,528,822</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION .....	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES .....	129,000	129,000
380	AMMUNITION MANAGEMENT .....	78,022	78,022
420	OTHER PERSONNEL SUPPORT .....	137,277	137,277
430	OTHER SERVICE SUPPORT .....	72,293	72,293
490	CLASSIFIED PROGRAMS .....	1,828,717	1,828,717
	<b>SUBTOTAL, ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>5,483,619</b>	<b>5,483,619</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
500	UNDISTRIBUTED ADJUSTMENTS .....		-179,700
	Historical unobligated balances .....		[-179,700]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS</b> .....		<b>-179,700</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>28,591,441</b>	<b>27,832,741</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
10	MISSION AND OTHER FLIGHT OPERATIONS .....	937,098	937,098
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	1,000	1,000
40	AIR OPERATIONS AND SAFETY SUPPORT .....	15,794	15,794
50	AIR SYSTEMS SUPPORT .....	19,013	19,013
60	AIRCRAFT DEPOT MAINTENANCE .....	201,912	201,912
70	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	3,000	3,000
80	AVIATION LOGISTICS .....	44,150	44,150
90	MISSION AND OTHER SHIP OPERATIONS .....	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING .....	24,774	24,774
110	SHIP DEPOT MAINTENANCE .....	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS .....	42,965	42,965
160	WARFARE TACTICS .....	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	19,226	19,226
180	COMBAT SUPPORT FORCES .....	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE .....	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	94,655	94,655
260	WEAPONS MAINTENANCE .....	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	3,218	3,218
300	BASE OPERATING SUPPORT .....	143,442	143,442
	<b>SUBTOTAL, OPERATING FORCES</b> .....	<b>5,329,365</b>	<b>5,329,365</b>

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	<b>MOBILIZATION</b>		
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	31,395	31,395
360	COAST GUARD SUPPORT .....	254,461	254,461
	<b>SUBTOTAL, MOBILIZATION .....</b>	<b>285,856</b>	<b>285,856</b>
	<b>TRAINING AND RECRUITING</b>		
400	SPECIALIZED SKILL TRAINING .....	50,903	50,903
	<b>SUBTOTAL, TRAINING AND RECRUITING .....</b>	<b>50,903</b>	<b>50,903</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
480	ADMINISTRATION .....	1,377	1,377
490	EXTERNAL RELATIONS .....	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	6,022	6,022
520	OTHER PERSONNEL SUPPORT .....	3,514	3,514
550	SERVICEWIDE TRANSPORTATION .....	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT .....	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE .....	1,425	1,425
710	CLASSIFIED PROGRAMS .....	14,556	14,556
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>214,271</b>	<b>214,271</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
720	UNDISTRIBUTED ADJUSTMENTS .....		-22,100
	Historical unobligated balances .....		[-22,100]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-22,100</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>5,880,395</b>	<b>5,858,295</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
10	OPERATIONAL FORCES .....	1,921,258	1,921,258
20	FIELD LOGISTICS .....	1,094,028	1,094,028
30	DEPOT MAINTENANCE .....	222,824	222,824
60	BASE OPERATING SUPPORT .....	88,690	88,690
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>3,326,800</b>	<b>3,326,800</b>
	<b>TRAINING AND RECRUITING</b>		
110	TRAINING SUPPORT .....	215,212	215,212
	<b>SUBTOTAL, TRAINING AND RECRUITING .....</b>	<b>215,212</b>	<b>215,212</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	SERVICEWIDE TRANSPORTATION .....	512,627	512,627
190	CLASSIFIED PROGRAMS .....	11,701	11,701
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>524,328</b>	<b>524,328</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
200	UNDISTRIBUTED ADJUSTMENTS .....		-15,600
	Historical unobligated balances .....		[-15,600]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-15,600</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>4,066,340</b>	<b>4,050,740</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
10	PRIMARY COMBAT FORCES .....	1,494,144	1,494,144
20	COMBAT ENHANCEMENT FORCES .....	809,531	809,531
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	13,095	13,095
40	DEPOT MAINTENANCE .....	1,403,238	1,403,238
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	155,954	155,954
60	BASE SUPPORT .....	342,226	342,226
70	GLOBAL C3I AND EARLY WARNING .....	15,108	15,108
80	OTHER COMBAT OPS SPT PROGRAMS .....	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	25,400	25,400
120	SPACE CONTROL SYSTEMS .....	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	52,173	52,173
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>4,587,369</b>	<b>4,587,369</b>
	<b>MOBILIZATION</b>		
150	AIRLIFT OPERATIONS .....	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS .....	43,509	43,509

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
170	DEPOT MAINTENANCE .....	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	4,431	4,431
190	BASE SUPPORT .....	9,256	9,256
	<b>SUBTOTAL, MOBILIZATION .....</b>	<b>3,799,350</b>	<b>3,799,350</b>
	<b>TRAINING AND RECRUITING</b>		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	424	424
240	BASE SUPPORT .....	1,036	1,036
250	SPECIALIZED SKILL TRAINING .....	10,923	10,923
260	FLIGHT TRAINING .....	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	323	323
280	TRAINING SUPPORT .....	352	352
	<b>SUBTOTAL, TRAINING AND RECRUITING .....</b>	<b>13,130</b>	<b>13,130</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
360	LOGISTICS OPERATIONS .....	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	47,200	47,200
400	BASE SUPPORT .....	7,242	7,242
410	ADMINISTRATION .....	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS .....	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES .....	582,977	582,977
480	CLASSIFIED PROGRAMS .....	20,270	20,270
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>841,764</b>	<b>841,764</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
490	UNDISTRIBUTED ADJUSTMENTS .....		-34,700
	Historical unobligated balances .....		[-34,700]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-34,700</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, AIR FORCE</b>	<b>9,241,613</b>	<b>9,206,913</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>		
10	JOINT CHIEFS OF STAFF .....	2,000	2,000
20	SPECIAL OPERATIONS COMMAND .....	2,503,060	2,503,060
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>2,505,060</b>	<b>2,505,060</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
80	DEFENSE CONTRACT AUDIT AGENCY .....	30,674	30,674
90	DEFENSE CONTRACT MANAGEMENT AGENCY .....	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY .....	102,322	102,322
160	DEFENSE MEDIA ACTIVITY .....	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY .....	2,200,000	1,550,000
	Program Decrease—Coalition Support Funds .....		[-650,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE .....	87,805	87,805
280	CLASSIFIED PROGRAMS .....	2,522,003	2,522,003
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>5,319,519</b>	<b>4,669,519</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
290	UNDISTRIBUTED ADJUSTMENTS .....		-29,300
	Historical unobligated balances .....		[-29,300]
	<b>SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-29,300</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, DEFENSE- WIDE .....</b>	<b>7,824,579</b>	<b>7,145,279</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES OPERATING FORCES</b>		
30	ECHELONS ABOVE BRIGADE .....	78,600	78,600
50	LAND FORCES OPERATIONS SUPPORT .....	20,811	20,811
70	FORCE READINESS OPERATIONS SUPPORT .....	20,726	20,726
100	BASE OPERATIONS SUPPORT .....	34,400	34,400
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>154,537</b>	<b>154,537</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ARMY RES ..</b>	<b>154,537</b>	<b>154,537</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
<b>OPERATING FORCES</b>			
10	MISSION AND OTHER FLIGHT OPERATIONS .....	24,834	24,834
20	INTERMEDIATE MAINTENANCE .....	300	300
40	AIRCRAFT DEPOT MAINTENANCE .....	13,364	13,364
60	MISSION AND OTHER SHIP OPERATIONS .....	8,213	8,213
80	SHIP DEPOT MAINTENANCE .....	929	929
100	COMBAT SUPPORT FORCES .....	8,244	8,244
140	BASE OPERATING SUPPORT .....	40	40
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>55,924</b>	<b>55,924</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, NAVY RES ...</b>	<b>55,924</b>	<b>55,924</b>
<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>			
<b>OPERATING FORCES</b>			
10	OPERATING FORCES .....	22,657	22,657
40	BASE OPERATING SUPPORT .....	2,820	2,820
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>25,477</b>	<b>25,477</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, MC RE- SERVE .....</b>	<b>25,477</b>	<b>25,477</b>
<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>			
<b>OPERATING FORCES</b>			
10	PRIMARY COMBAT FORCES .....	7,600	7,600
30	DEPOT MAINTENANCE .....	106,768	106,768
50	BASE SUPPORT .....	6,250	6,250
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>120,618</b>	<b>120,618</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, AF RE- SERVE .....</b>	<b>120,618</b>	<b>120,618</b>
<b>OPERATION &amp; MAINTENANCE, ARNG</b>			
<b>OPERATING FORCES</b>			
10	MANEUVER UNITS .....	38,485	38,485
20	MODULAR SUPPORT BRIGADES .....	1,959	1,959
30	ECHELONS ABOVE BRIGADE .....	20,076	20,076
40	THEATER LEVEL ASSETS .....	2,028	2,028
60	AVIATION ASSETS .....	183,811	183,811
70	FORCE READINESS OPERATIONS SUPPORT .....	43,780	43,780
100	BASE OPERATIONS SUPPORT .....	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S .....	20,072	20,072
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>380,448</b>	<b>380,448</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
160	SERVICEWIDE COMMUNICATIONS .....	2,000	2,000
	<b>SUBTOTAL, ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>2,000</b>	<b>2,000</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>382,448</b>	<b>382,448</b>
<b>OPERATION &amp; MAINTENANCE, ANG</b>			
<b>OPERATING FORCES</b>			
20	MISSION SUPPORT OPERATIONS .....	19,975	19,975
	<b>SUBTOTAL, OPERATING FORCES .....</b>	<b>19,975</b>	<b>19,975</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE, ANG .....</b>	<b>19,975</b>	<b>19,975</b>
<b>AFGHANISTAN SECURITY FORCES FUND</b>			
<b>MINISTRY OF DEFENSE</b>			
10	SUSTAINMENT .....	2,523,825	2,523,825
20	INFRASTRUCTURE .....	190,000	190,000
30	EQUIPMENT AND TRANSPORTATION .....	241,521	241,521
40	TRAINING AND OPERATIONS .....	758,380	758,380
	<b>SUBTOTAL, MINISTRY OF DEFENSE .....</b>	<b>3,713,726</b>	<b>3,713,726</b>
<b>MINISTRY OF INTERIOR</b>			
50	SUSTAINMENT .....	1,305,950	1,305,950
60	INFRASTRUCTURE .....	50,000	50,000
70	EQUIPMENT AND TRANSPORTATION .....	84,859	84,859
80	TRAINING AND OPERATIONS .....	569,868	569,868
	<b>SUBTOTAL, MINISTRY OF INTERIOR .....</b>	<b>2,010,677</b>	<b>2,010,677</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
<b>RELATED ACTIVITIES</b>			
90	SUSTAINMENT .....	18,325	18,325
100	INFRASTRUCTUE .....	1,200	1,200
110	EQUIPMENT & TRANSPORTATION .....	1,239	1,239
120	TRAINING AND OPERATIONS .....	4,000	4,000
	<b>SUBTOTAL, RELATED ACTIVITIES .....</b>	<b>24,764</b>	<b>24,764</b>
	<b>TOTAL, AFGHANISTAN SECURITY FORCES FUND ....</b>	<b>5,749,167</b>	<b>5,749,167</b>
<b>AFGHANISTAN INFRASTRUCTURE FUND</b>			
<b>AFGHANISTAN INFRASTRUCTURE FUND</b>			
10	POWER .....	400,000	375,000
	Program Decrease .....		[-25,000]
	<b>SUBTOTAL, AFGHANISTAN INFRASTRUCTURE FUND</b>	<b>400,000</b>	<b>375,000</b>
	<b>TOTAL, AFGHANISTAN INFRASTRUCTURE FUND ....</b>	<b>400,000</b>	<b>375,000</b>
	<b>TOTAL, OPERATION &amp; MAINTENANCE .....</b>	<b>62,512,514</b>	<b>60,977,114</b>

1 **TITLE XLIV—MILITARY**  
2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
<b>MILITARY PERSONNEL .....</b>	135,111,799	135,726,855
Army medical evacuation paramedic certification training .....		[2,000]
Basic allowance for housing for members of the National Guard (Section 603) .....		[6,000]
Non-medical attendant travel (Section 621) .....		[2,000]
Reserve Components administrative absence (Section 604) .....		[2,000]
Restore accrual payments to the Medicare eligible health care trust fund .....		[672,000]
Retain 128 Air National Guard AGRs for two air sovereignty alert locations .....		[8,300]
Retain Air Force Force Structure .....		[30,000]
Retain Air Force Reserve Force Structure .....		[20,000]
Retain Air National Guard Force Structure .....		[70,826]
Retain Global Hawk .....		[22,200]
Unobligated balances .....		[-352,000]
USMC military personnel in lieu of LAV funding .....		[131,730]

4 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**  
5 **GENCY OPERATIONS.**

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
<b>MILITARY PERSONNEL .....</b>	14,060,094	14,060,094

# TITLE XLV—OTHER AUTHORIZATIONS

## SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	House Authorized
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	60,037	60,037
<b>TOTAL, WORKING CAPITAL FUND, ARMY .....</b>	<b>60,037</b>	<b>60,037</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL) .....	45,452	45,452
<b>TOTAL, WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>45,452</b>	<b>45,452</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	39,135	39,135
<b>TOTAL, WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>39,135</b>	<b>39,135</b>
<b>WORKING CAPITAL FUND, DECA</b>		
WORKING CAPITAL FUND, DECA .....	1,371,560	1,371,560
<b>TOTAL, WORKING CAPITAL FUND, DECA .....</b>	<b>1,371,560</b>	<b>1,371,560</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>		
MPF MLP .....	38,000	38,000
POST DELIVERY AND OUTFITTING .....	39,386	39,386
LG MED SPD RO/RO MAINTENANCE .....	128,819	128,819
DOD MOBILIZATION ALTERATIONS .....	26,598	26,598
TAH MAINTENANCE .....	29,199	29,199
RESEARCH AND DEVELOPMENT .....	42,811	42,811
READY RESERVE FORCE .....	303,323	303,323
<b>TOTAL, NATIONAL DEFENSE SEALIFT FUND ....</b>	<b>608,136</b>	<b>608,136</b>
<b>DEFENSE HEALTH PROGRAM</b>		
IN-HOUSE CARE .....	8,625,507	8,625,507
PRIVATE SECTOR CARE .....	16,148,263	16,148,263
CONSOLIDATED HEALTH SUPPORT .....	2,309,185	2,309,185
INFORMATION MANAGEMENT .....	1,465,328	1,465,328
MANAGEMENT ACTIVITIES .....	332,121	332,121
EDUCATION AND TRAINING .....	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS .....	1,746,794	1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE .....		281,900
Foreign currency fluctuation .....		[–5,100]
Overfunding in electronic health record .....		[–30,000]
Restore estimated savings in TRICARE Prime and Standard .....		[273,000]
Restore pharmacy co-pay estimated savings .....		[179,000]
TRICARE rate adjustments .....		[90,000]
Unobligated balances .....		[–225,000]
RDT&E .....	672,977	672,977
PROCUREMENT .....	506,462	454,462
Overfunding in electronic health record .....		[–52,000]
<b>TOTAL, DEFENSE HEALTH PROGRAM .....</b>	<b>32,528,718</b>	<b>32,758,618</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>		
OPERATION & MAINTENANCE .....	635,843	635,843
RDT&E .....	647,351	647,351
PROCUREMENT .....	18,592	18,592



SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	House Authorized
<b>TOTAL, CHEM AGENTS &amp; MUNITIONS DE- STRUCTION</b> .....	<b>1,301,786</b>	<b>1,301,786</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM .....	109,818	109,818
<b>TOTAL, DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b> .....	<b>999,363</b>	<b>999,363</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION & MAINTENANCE .....	272,821	272,821
PROCUREMENT .....	1,000	1,000
<b>TOTAL, OFFICE OF THE INSPECTOR GENERAL</b>	<b>273,821</b>	<b>273,821</b>
<b>CEMETERIAL EXPENSES, ARMY</b>		
OPERATION & MAINTENANCE .....	41,000	41,000
CONSTRUCTION .....	4,800	4,800
FACILITIES MAINTENANCE .....		25,000
Realignment from Operation and Maintenance, Army .....		[25,000]
<b>TOTAL, CEMETERIAL EXPENSES, ARMY</b> .....	<b>45,800</b>	<b>70,800</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>37,273,808</b>	<b>37,528,708</b>

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**  
2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	House Authorized
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	42,600	42,600
<b>TOTAL, WORKING CAPITAL FUND, ARMY</b> .....	<b>42,600</b>	<b>42,600</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
C-17 CLS ENGINE REPAIR .....	230,400	230,400
TRANSPORTATION FALLEN HEROES .....	10,000	10,000
<b>TOTAL, WORKING CAPITAL FUND, AIR FORCE</b>	<b>240,400</b>	<b>240,400</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	220,364	220,364
<b>TOTAL, WORKING CAPITAL FUND, DEFENSE- WIDE</b> .....	<b>220,364</b>	<b>220,364</b>
<b>DEFENSE HEALTH PROGRAM</b>		
IN-HOUSE CARE .....	483,326	483,326
PRIVATE SECTOR CARE .....	376,982	376,982
CONSOLIDATED HEALTH SUPPORT .....	111,675	111,675
INFORMATION MANAGEMENT .....	4,773	4,773
MANAGEMENT ACTIVITIES .....	660	660
EDUCATION AND TRAINING .....	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS .....	1,112	1,112
<b>TOTAL, DEFENSE HEALTH PROGRAM</b> .....	<b>993,898</b>	<b>993,898</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Program Title</b>	<b>FY 2013 Request</b>	<b>House Authorized</b>
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	469,025	469,025
<b>TOTAL, DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>469,025</b>	<b>469,025</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION & MAINTENANCE .....	10,766	10,766
<b>TOTAL, OFFICE OF THE INSPECTOR GENERAL</b>	<b>10,766</b>	<b>10,766</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>1,977,053</b>	<b>1,977,053</b>

1 **TITLE XLVI—MILITARY**  
2 **CONSTRUCTION**  
3 **SEC. 4601. MILITARY CONSTRUCTION.**

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

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>House Agreement</b>
	Alaska			
Army	Fort Wainwright	Modified Record Fire Range .....	10,400	10,400
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range .....	7,900	7,900
	California			
Army	Concord	Lightning Protection System .....	5,800	5,800
Army	Concord	Engineering/Housing Maintenance Shop .....	3,100	3,100
	Colorado			
Army	Fort Carson, Colorado	Digital Multipurpose Training Range .....	18,000	18,000
Army	Fort Carson	Central Energy Plant .....	0	0
	District of Columbia			
Army	Fort McNair	Vehicle Storage Building, Installation .....	7,200	7,200
	Georgia			
Army	Fort Gordon	Modified Record Fire Range .....	4,000	4,000
Army	Fort Stewart, Georgia	Unmanned Aerial Vehicle Complex .....	24,000	24,000
Army	Fort Stewart, Georgia	Automated Combat Pistol Qual Crse .....	3,650	3,650
Army	Fort Stewart, Georgia	Digital Multipurpose Training Range .....	22,000	22,000
Army	Fort Gordon	Multipurpose Machine Gun Range .....	7,100	7,100
Army	Fort Benning	Ground Source Heat Transfer System .....	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System .....	12,200	12,200
	Hawaii			
Army	Schofield Barracks	Barracks .....	55,000	55,000
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course .....	29,000	29,000
Army	Schofield Barracks	Barracks .....	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks .....	85,000	85,000
	Italy			
Army	Vicenza	Simulations Center .....	32,000	32,000
Army	Camp Ederle	Barracks .....	36,000	36,000
	Japan			
Army	Sagami	Vehicle Maintenance Shop .....	18,000	18,000
Army	Okinawa	Satellite Communications Facility .....	78,000	78,000
	Kansas			
Army	Fort Riley, Kansas	Unmanned Aerial Vehicle Complex .....	12,200	12,200
	Kentucky			
Army	Fort Campbell, Kentucky	Battalion Headquarters Complex .....	55,000	55,000
Army	Fort Knox	Automated Infantry Squad Battle Course .....	6,000	6,000
Army	Fort Campbell, Kentucky	Live Fire Exercise Shootouse .....	3,800	3,800
Army	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Complex .....	23,000	23,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex .....	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier .....	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities .....	26,000	26,000

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

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army	Fort Leonard Wood	Vehicle Maintenance Shop .....	39,000	39,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2 .....	58,000	58,000
	New Jersey			
Army	Joint Base McGuire-Dix-Lakehurst	Flight Equipment Complex .....	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center .....	10,200	10,200
	New York			
Army	U.S. Military Academy	Cadet Barracks .....	192,000	192,000
Army	Fort Drum, New York	Aircraft Maintenance Hangar .....	95,000	95,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range .....	42,000	42,000
Army	Fort Bragg	Infrastructure .....	30,000	30,000
Army	Fort Bragg	Unmanned Aerial Vehicle Complex .....	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range .....	4,900	4,900
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2 .....	24,000	24,000
	Texas			
Army	Fort Hood, Texas	Modified Record Fire Range .....	4,200	4,200
Army	Corpus Christi	Aircraft Component Maintenance Shop .....	13,200	13,200
Army	Joint Base San Antonio	Barracks .....	21,000	21,000
Army	Fort Bliss	Multipurpose Machine Gun Range .....	7,200	7,200
Army	Fort Hood, Texas	Unmanned Aerial Vehicle Complex .....	22,000	22,000
Army	Fort Hood, Texas	Training Aids Center .....	25,000	25,000
Army	Corpus Christi	Aircraft Paint Shop .....	24,000	24,000
	Virginia			
Army	Fort Belvoir	Secure Admin/Operations Facility .....	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2 .....	81,000	81,000
Army	Arlington	Cemetery Expansion Millennium Site .....	84,000	84,000
	Washington			
Army	Joint Base Lewis-McChord	Battalion Complex .....	73,000	73,000
Army	Joint Base Lewis-McChord	Waste Water Treatment Plant .....	91,000	91,000
Army	Yakima	Convoy Live Fire Range .....	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Minor Construction FY 13 .....	25,000	25,000
Army	Unspecified Worldwide Locations	Host Nation Support FY 13 .....	34,000	34,000
Army	Unspecified Worldwide Locations	Planning and Design FY13 .....	65,173	65,173
<b>Total Military Construction, Army</b> .....			<b>1,923,323</b>	<b>1,923,323</b>
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron .....	15,985	15,985
Navy	Yuma	Security Operations Complex .....	13,300	13,300
	Bahrain Island			
Navy	SW Asia	Transient Quarters .....	41,529	0
Navy	SW Asia	Combined Dining Facility .....	9,819	0
	California			
Navy	Miramar	Hangar 5 Renovations & Addition .....	27,897	27,897
Navy	Camp Pendleton, California	Comm. Information Systems Ops Complex .....	78,897	78,897
Navy	Point Mugu	Bams Maintenance Training Facility .....	0	12,790
Navy	Camp Pendleton, California	San Jacinto Road Extension .....	5,074	5,074
Navy	Coronado	H-60s Simulator Training Facility .....	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility .....	14,843	0
Navy	Camp Pendleton, California	MV22 Aviation Simulator Building .....	4,139	4,139
Navy	Coronado	Bachelor Quarters .....	76,063	76,063
Navy	Twentynine Palms, California	Land Expansion Phase 2 .....	47,270	47,270
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab .....	30,594	30,594
Navy	San Diego	LCS Training Facility .....	59,436	59,436
Navy	San Diego	Entry Control Point (Gate Five) .....	11,752	11,752
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure .....	1,691	1,691
	Djibouti			
Navy	Camp Lemonier, Djibouti	Fitness Center .....	26,960	0
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility .....	42,730	0
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse .....	22,220	0
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units .....	7,510	0

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Navy	Florida Jacksonville	Bams Mission Control Complex .....	21,980	21,980
Navy	Greece Souda Bay	Intermodal Access Road .....	4,630	4,630
Navy	Souda Bay	Aircraft Parking Apron Expansion .....	20,493	20,493
Navy	Guam Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2 .....	25,904	25,904
Navy	Hawaii Kaneohe Bay	Aircraft Staging Area .....	14,680	14,680
Navy	Kaneohe Bay	MV-22 Hangar and Infrastructure .....	82,630	82,630
Navy	Japan Iwakuni	Vertical Take-Off and Landing Pad North .....	7,416	7,416
Navy	Iwakuni	Maintenance Hangar Improvements .....	5,722	5,722
Navy	Okinawa	Bachelor Quarters .....	8,206	8,206
Navy	Mississippi Meridian	Dining Facility .....	10,926	10,926
Navy	New Jersey Earle	Combat System Engineering Building Addition .....	33,498	33,498
Navy	North Carolina Camp Lejeune, North Carolina	Base Access and Road—Phase 3 .....	40,904	40,904
Navy	New River	Personnel Administration Center .....	8,525	8,525
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound .....	34,310	34,310
Navy	Camp Lejeune, North Carolina	Staff NCO Academy Facilities .....	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory .....	11,581	11,581
Navy	Romania Deveselu, Romania	Aegis Ashore Missile Defense Complex .....	45,205	45,205
Navy	South Carolina Beaufort	Simulated Lhd Flight Deck .....	12,887	12,887
Navy	Beaufort	Ground Support Equipment Shop .....	9,465	9,465
Navy	Beaufort	Aircraft Maintenance Hangar .....	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades .....	13,675	13,675
Navy	Parris Island	Front Gate Atfp Improvements .....	10,135	10,135
Navy	Beaufort	Recycling/Hazardous Waste Facility .....	3,743	3,743
Navy	Spain Rota	General Purpose Warehouse .....	3,378	3,378
Navy	Rota	High Explosive Magazine .....	13,837	13,837
Navy	Virginia Quantico	Weapons Training Battalion Mess Hall .....	12,876	12,876
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility .....	16,494	16,494
Navy	Yorktown	Supply Warehouse Facility .....	8,939	8,939
Navy	Yorktown	Motor Transportation Facility .....	6,188	6,188
Navy	Yorktown	Bachelor Enlisted Quarters .....	18,422	18,422
Navy	Yorktown	Armory .....	4,259	4,259
Navy	Yorktown	Regimental Headquarters .....	11,015	11,015
Navy	Quantico	Infrastructure—Widen Russell Road .....	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7 .....	31,012	31,012
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade .....	32,706	32,706
Navy	Dahlgren	Physical Fitness Center .....	11,734	11,734
Navy	Oceana Naval Air Station	A School Barracks .....	39,086	39,086
Navy	Washington Kitsap	Explosives Handling Wharf #2 (Inc) .....	280,041	280,041
Navy	Whidbey Island	EA-18G Flight Simulator Facility .....	6,272	6,272
Navy	Worldwide Unspecified Locations	MCON Design Funds .....	102,619	102,619
Navy	Various Worldwide Locations	BAMS Operational Facilities .....	34,048	34,048
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction .....	16,535	16,535
<b>Total Military Construction, Navy</b> .....			<b>1,701,985</b>	<b>1,549,164</b>
AF	Arkansas Little Rock AFB	C-130J Fuel Systems Maintenance Hangar .....	26,000	26,000
AF	Little Rock AFB	C-130J Flight Simulator Addition .....	4,178	4,178
AF	Florida Tyndall AFB	F-22 Adal Hangar for Low Observable/Composite ....	14,750	14,750
AF	Georgia Fort Stewart, Georgia	Air Support Operations Center (ASOC) .....	7,250	7,250
AF	Moody AFB	HC-130J Simulator Facility .....	8,500	8,500
AF	Greenland Thule AB	Dormitory (48 Pn) .....	24,500	24,500
AF	Thule AB	Consolidated Engineer Shop and Supply Facility .....	0	0
	Guam			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
AF	Andersen AFB	Fuel Systems Hangar .....	0	0
	Italy			
AF	Aviano AB	F-16 Mission Training Center .....	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Iner 2 .....	161,000	161,000
	New Mexico			
AF	Holloman AFB	MQ-9 Maintenance Hangar .....	25,000	25,000
	North Dakota			
AF	Minot AFB	B-52 Add/Alter Munitions Age Facility .....	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm) .....	18,000	18,000
	Utah			
AF	Hill AFB	F-35 Modular Storage Magazines .....	2,280	2,280
AF	Hill AFB	F-35 Adal Building 118 for Flight Simulator .....	4,000	4,000
AF	Hill AFB	F-35 Adal Hangar 45w/AMU .....	7,250	7,250
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Transient Aircraft Hangars .....	15,032	15,032
AF	Unspecified Worldwide Locations	Transient Contingency Dormitory—100 Rm .....	17,625	17,625
AF	Unspecified Worldwide Locations	Planning and Design .....	18,635	18,635
AF	Various Worldwide Locations	Unspecified Minor Construction .....	18,200	18,200
AF	Unspecified Worldwide Locations	Sanitary Sewer Lift/Pump Station .....	2,000	2,000
<b>Total Military Construction, Air Force .....</b>			<b>388,200</b>	<b>388,200</b>
	Arizona			
Def-Wide	Yuma	Truck Unload Facility .....	1,300	1,300
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility .....	26,969	26,969
	California			
Def-Wide	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac .....	13,969	13,969
Def-Wide	Coronado	SOF Mobile Comm Detachment Support Facility .....	10,120	10,120
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility .....	31,170	31,170
Def-Wide	Edwards Air Force Base	Replace Fuel Storage .....	27,500	27,500
Def-Wide	Twentynine Palms, California	Medical Clinic Replacement .....	27,400	27,400
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier .....	91,563	91,563
	Colorado			
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex .....	56,673	56,673
Def-Wide	Buckley Air Force Base	Denver Power House .....	30,000	30,000
Def-Wide	Pikes Peak	High Altitude Medical Research Lab .....	3,600	3,600
	Conus Classified			
Def-Wide	Classified Location	SOF Parachute Training Facility .....	6,477	6,477
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility .....	2,000	2,000
	Florida			
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility .....	16,000	16,000
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities .....	41,695	41,695
Def-Wide	MacDill AFB	SOF Joint Special Ops University Fac (JSOU) .....	34,409	34,409
	Germany			
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades .....	2,413	2,413
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Iner 2 .....	127,000	127,000
Def-Wide	Weisbaden	Weisbaden High School Addition .....	52,178	52,178
Def-Wide	Vogelweh	Replace Vogelweh Elementary School .....	61,415	61,415
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline .....	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Truck Load Facility .....	2,600	2,600
Def-Wide	Guantanamo Bay	Replace Fuel Pier .....	37,600	37,600
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF SDVT-1 Waterfront Operations Facility .....	24,289	24,289
	Illinois			
Def-Wide	Great Lakes	Drug Laboratory Replacement .....	28,700	28,700
Def-Wide	Scott AFB	DISA Facility Upgrades .....	84,111	84,111
Def-Wide	Scott AFB	Medical Logistics Warehouse .....	2,600	2,600
	Indiana			
Def-Wide	Grissom ARB	Replace Hydrant Fuel System .....	26,800	26,800
	Japan			
Def-Wide	Kadena AB	Replace Elementary School .....	71,772	71,772
Def-Wide	Zukeran	Replace Zukeran Elementary School .....	79,036	79,036
Def-Wide	Sasebo	Replace Sasebo Elementary School .....	35,733	35,733

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

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Def-Wide	Camp Zama	Renovate Zama High School .....	13,273	13,273
Def-Wide	Kadena AB	Replace Stearley Heights Elementary School .....	71,773	71,773
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension .....	3,559	3,559
Def-Wide	Fort Campbell, Kentucky	Replace Barkley Elementary School .....	41,767	41,767
Def-Wide	Fort Campbell, Kentucky	SOF Ground Support Battalion .....	26,313	26,313
	Korea			
Def-Wide	Osan AFB	Hospital Addition/Alteration .....	34,600	34,600
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition .....	13,000	13,000
Def-Wide	Osan AFB	Replace Osan Elementary School .....	42,692	42,692
	Louisiana			
Def-Wide	Barksdale AFB	Upgrade Pumphouse .....	11,700	11,700
	Maryland			
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1 .....	25,000	25,000
Def-Wide	Fort Detrick	USAMRIID Stage I, Iner 7 .....	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2 .....	300,521	300,521
Def-Wide	Bethesda Naval Hospital	Base Installation Access/Appearance Plan .....	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities .....	26,600	26,600
Def-Wide	Annapolis	Health Clinic Replacement .....	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers .....	35,600	35,600
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic .....	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Replacement .....	71,023	71,023
Def-Wide	Cannon AFB	SOF AC-130J Combat Parking Apron .....	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic .....	17,300	17,300
Def-Wide	Fort Drum, New York	Idt Complex .....	25,900	25,900
	North Carolina			
Def-Wide	Seymour Johnson AFB	Replace Pipeline .....	1,850	1,850
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement .....	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities .....	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac .....	5,465	5,465
Def-Wide	Fort Bragg	SOF Support Addition .....	3,875	3,875
Def-Wide	Fort Bragg	SOF Battalion Operations Facility .....	40,481	40,481
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex .....	31,373	31,373
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement .....	53,600	53,600
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex .....	24,693	24,693
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant .....	6,300	6,300
Def-Wide	Def Distribution Depot New Cumberland	Replace Communications Building .....	6,800	6,800
Def-Wide	Def Distribution Depot New Cumberland	Replace Reservoir .....	4,300	4,300
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex .....	157,900	82,900
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement .....	57,200	57,200
	Texas			
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Iner .....	80,700	80,700
Def-Wide	Red River Army Depot	DFAS Facility .....	16,715	16,715
Def-Wide	Fort Bliss	Hospital Replacement Iner 4 .....	207,400	207,400
	United Kingdom			
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition .....	30,811	30,811
Def-Wide	Raf Mildenhall	SOF CV-22 Simulator Facility .....	6,490	6,490
Def-Wide	Menwith Hill Station	Mhs Utilities and Roads .....	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School .....	46,488	46,488
	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center 1 Inc 4 .....	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines .....	0	0
Def-Wide	Norfolk	Veterinary Facility Replacement .....	8,500	8,500
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Combat Services Support Facility—East .....	11,132	11,132
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility .....	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel .....	3,967	3,967

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Def-Wide	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design .....	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction .....	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const .....	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Planning & Design .....	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program .....	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex .....	0	0
Def-Wide	Unspecified Worldwide Locations	Minor Construction .....	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Contingency Construction .....	10,000	0
<b>Total Military Construction, Defense-Wide .....</b>			<b>3,654,623</b>	<b>3,569,623</b>
Chem Demil	Colorado Pueblo Depot	Ammunition Demilitarization Facility, Ph XIV .....	36,000	36,000
Chem Demil	Kentucky Blue Grass Army Depot	Ammunition Demilitarization Ph XIII .....	115,000	115,000
<b>Total Chemical Demilitarization Construction, Defense .....</b>			<b>151,000</b>	<b>151,000</b>
NATO	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program .....	254,163	254,163
<b>Total NATO Security Investment Program .....</b>			<b>254,163</b>	<b>254,163</b>
Army NG	Alabama Fort McClellan	Live Fire Shoot House .....	5,400	5,400
Army NG	Arkansas Searey	Field Maintenance Shop .....	6,800	6,800
Army NG	California Fort Irwin	Maneuver Area Training & Equipment Site Ph3 .....	25,000	25,000
Army NG	Connecticut Camp Hartell	Combined Support Maintenance Shop .....	32,000	32,000
Army NG	Delaware Bethany Beach	Regional Training Institute Ph1 .....	5,500	5,500
Army NG	Florida Miramar	Readiness Center .....	20,000	20,000
Army NG	Camp Blanding	Combined Arms Collective Training Fac .....	9,000	9,000
Army NG	Guam Barrigada	JFHQ Ph4 .....	8,500	8,500
Army NG	Hawaii Kapolei	Army Aviation Support Facility Ph1 .....	28,000	28,000
Army NG	Idaho Orchard Trainig Area	ORTC(Barracks)Ph2 .....	40,000	40,000
Army NG	Indiana Terre Haute	Field Maintenance Shop .....	9,000	9,000
Army NG	South Bend	Armed Forces Reserve Center Add/Alt .....	21,000	21,000
Army NG	Iowa Camp Dodge	Urban Assault Course .....	3,000	3,000
Army NG	Kansas Topeka	Taxiway, Ramp & Hangar Alterations .....	9,500	9,500

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army NG	Kentucky Frankfort	Army Aviation Support Facility .....	32,000	32,000
Army NG	Massachusetts Camp Edwards	Ground Water Extraction, Treatment, and Recharge System.	0	0
Army NG	Camp Edwards Michigan	Unit Training Equipment Site .....	22,000	22,000
Army NG	Camp Grayling	Operational Readiness Training Complex (ORTC) Barracks.	0	0
Army NG	Minnesota Camp Ripley	Scout Reconnaissance Range .....	17,000	17,000
Army NG	St Paul	Readiness Center .....	17,000	17,000
Army NG	Missouri Fort Leonard Wood	Regional Training Institute .....	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt .....	1,900	1,900
Army NG	Perryville	Readiness Center Add/Alt .....	700	700
Army NG	Monett	Readiness Center Add/Alt .....	820	820
Army NG	Montana Miles City	Readiness Center .....	11,000	11,000
Army NG	New Jersey Sea Girt	Regional Training Institute .....	34,000	34,000
Army NG	New York Stormville	Combined Support Maint Shop Ph1 .....	24,000	24,000
Army NG	Ohio Delaware	Readiness Center .....	12,000	12,000
Army NG	Chillicothe	Field Maintenance Shop Add/Alt .....	3,100	3,100
Army NG	Oklahoma Camp Gruber	Operations Readiness Training Complex .....	25,000	25,000
Army NG	Puerto Rico Guaynabo	Readiness Center (JFHQ) .....	15,000	15,000
Army NG	Gurabo	Readiness Center .....	14,700	14,700
Army NG	Ceiba	Refill Station Building .....	2,200	2,200
Army NG	Camp Santiago	Readiness Center .....	3,800	3,800
Army NG	Utah Camp Williams	Regional Training Institute Ph2 .....	21,000	21,000
Army NG	Camp Williams	BEQ Facility (Regional Training Institute) .....	15,000	15,000
Army NG	Vermont North Hyde Park	Field Maintenance Shop .....	0	0
Army NG	Washington Fort Lewis	Readiness Center .....	35,000	35,000
Army NG	West Virginia Logan	Readiness Center .....	14,200	14,200
Army NG	Wisconsin Wausau	Field Maintenance Shop .....	10,000	10,000
Army NG	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design .....	26,622	26,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction .....	15,057	15,057
<b>Total Military Construction, Army National Guard .....</b>			<b>613,799</b>	<b>613,799</b>
Army Res	California Fort Hunter Liggett	UPH Barracks .....	4,300	4,300
Army Res	Tustin	Army Reserve Center .....	27,000	27,000
Army Res	Fort Hunter Liggett	Access Control Point .....	0	0
Army Res	Fort Hunter Liggett	ORTC .....	64,000	64,000
Army Res	Illinois Fort Sheridan	Army Reserve Center .....	28,000	28,000
Army Res	Maryland Baltimore	Add/Alt Army Reserve Center .....	10,000	10,000
Army Res	Aberdeen Proving Ground	Army Reserve Center .....	21,000	21,000
Army Res	Massachusetts Devens Reserve Forces Training Area	Automatic Record Fire Range .....	4,800	4,800
Army Res	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification .....	3,700	3,700
Army Res	Nevada Las Vegas	Army Reserve Center/AMSA .....	21,000	21,000
Army Res	New Jersey Joint Base McGuire-Dix-Lakehurst	Automated Infantry Squad Battle Course .....	7,400	7,400
Army Res	Pennsylvania Conneaut Lake	Defense Access Road .....	0	0
Army Res	Washington Joint Base Lewis-McChord	Army Reserve Center .....	40,000	40,000
	Wisconsin			



SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army Res	Fort McCoy	ECS Tactical Equip. Maint. Facility (TEMP) .....	27,000	27,000
Army Res	Fort McCoy	Central Issue Facility .....	12,200	12,200
Army Res	Fort McCoy	Dining Facility .....	8,600	8,600
Army Res	Worldwide Unspecified Locations	Planning and Design .....	15,951	15,951
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction .....	10,895	10,895
<b>Total Military Construction, Army Reserve .....</b>			<b>305,846</b>	<b>305,846</b>
N/MC Res	Arizona Yuma	Reserve Training Facility—Yuma AZ .....	5,379	5,379
N/MC Res	Iowa Fort Des Moines	Joint Reserve Center—Des Moines IA .....	19,162	19,162
N/MC Res	Louisiana New Orleans	Transient Quarters .....	7,187	7,187
N/MC Res	New York Brooklyn	Vehicle Maint. Fac.—Brooklyn NY .....	4,430	4,430
N/MC Res	Texas Fort Worth	Commercial Vehicle Inspection Site .....	11,256	11,256
N/MC Res	Worldwide Unspecified Locations	Planning and Design .....	2,118	2,118
<b>Total Military Construction, Naval Reserve .....</b>			<b>49,532</b>	<b>49,532</b>
Air NG	California Fresno Yosemite IAP ANG	F-15 Conversion .....	11,000	11,000
Air NG	Hawaii Joint Base Pearl Harbor-Hickam	TFI—F-22 Combat Apron Addition .....	6,500	6,500
Air NG	New Mexico Kirtland AFB	Alter Target Intelligence Facility .....	8,500	8,500
Air NG	Tennessee Meghee-Tyson Airport	Dormitory Classroom Facility .....	0	0
Air NG	Worldwide Unspecified Various Worldwide Locations	Unspecified Minor Construction .....	5,900	5,900
Air NG	Various Worldwide Locations	Planning and Design .....	4,000	4,000
Air NG	Wyoming Cheyenne Map	C-130 Flight Simulator Training Facility .....	6,486	6,486
<b>Total Military Construction, Air National Guard .....</b>			<b>42,386</b>	<b>42,386</b>
AF Res	California March Air Reserve Base	Joint Regional Deployment Processing Center .....	0	0
AF Res	New York Niagara Falls IAP	Flight Simulator Facility .....	6,100	6,100
AF Res	Worldwide Unspecified Various Worldwide Locations	Planning and Design .....	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Construction .....	2,000	2,000
<b>Total Military Construction, Air Force Reserve .....</b>			<b>10,979</b>	<b>10,979</b>
FH Con Army	Worldwide Unspecified Locations	Family Housing P&D .....	4,641	4,641
<b>Total Family Housing Construction, Army .....</b>			<b>4,641</b>	<b>4,641</b>
FH Ops Army	Worldwide Unspecified Locations	Maintenance of Real Property .....	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Leasing .....	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account .....	620	620
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account .....	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Services Account .....	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account .....	88,112	88,112
FH Ops Army	Unspecified Worldwide Locations	Management Account .....	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs .....	26,010	26,010
<b>Total Family Housing Operation And Maintenance, Army .....</b>			<b>530,051</b>	<b>530,051</b>

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Improvements .....	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design .....	4,253	4,253
<b>Total Family Housing Construction, Air Force .....</b>			<b>83,824</b>	<b>83,824</b>
FH Ops AF	Worldwide Unspecified Unspecified Worldwide Locations	Leasing .....	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization .....	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Maintenance (RPMA RPMC) .....	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Services Account .....	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account .....	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Utilities Account .....	75,662	75,662
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account .....	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Management Account .....	55,002	55,002
<b>Total Family Housing Operation And Maintenance, Air Force .....</b>			<b>497,829</b>	<b>497,829</b>
FH Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Improvements .....	97,655	97,655
FH Con Navy	Unspecified Worldwide Locations	Design .....	4,527	4,527
<b>Total Family Housing Construction, Navy And Marine Corps .....</b>			<b>102,182</b>	<b>102,182</b>
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Privatization Support Costs .....	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account .....	80,860	80,860
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account .....	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Management Account .....	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Leasing .....	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property .....	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Services Account .....	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account .....	491	491
<b>Total Family Housing Operation And Maintenance, Navy And Marine Corps .....</b>			<b>378,230</b>	<b>378,230</b>
FH Ops DW	Worldwide Unspecified Unspecified Worldwide Locations	Maintenance of Real Property .....	567	567
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property .....	73	73
FH Ops DW	Unspecified Worldwide Locations	Management Account .....	371	371
FH Ops DW	Unspecified Worldwide Locations	Utilities Account .....	283	283
FH Ops DW	Unspecified Worldwide Locations	Utilities Account .....	12	12
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	66	66
FH Ops DW	Unspecified Worldwide Locations	Services Account .....	31	31
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	20	20
<b>Total Family Housing Operation And Maintenance, Defense-Wide .....</b>			<b>52,238</b>	<b>52,238</b>

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing Improvement Fund .....	1,786	1,786
<b>Total DOD Family Housing Improvement Fund .....</b>			<b>1,786</b>	<b>1,786</b>
BRAC 05	Worldwide Unspecified Unspecified Worldwide Locations	Program Management Various Locations .....	605	605
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 & Cntrl—New England .....	222	222
BRAC 05	Unspecified Worldwide Locations	USA-167: USAR Command and Control—NE .....	175	175
BRAC 05	Unspecified Worldwide Locations	DON-84: JRB Willow Grove & Cambria Reg Ap .....	189	189
BRAC 05	Unspecified Worldwide Locations	USA-253: RC Transformation in PA .....	100	100
BRAC 05	Unspecified Worldwide Locations	USA-113: Fort Monroe, VA .....	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	MED-57: Brooks City Base, TX .....	326	326
BRAC 05	Unspecified Worldwide Locations	DON-168: NS Newport, RI .....	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	DON-100: Planing, Design and Management .....	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fd, AK .....	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	IND-112: River Bank Army Ammo Plant, CA .....	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	DON-172: NWS Seal Beach, Concord, CA .....	2,129	2,129
BRAC 05	Unspecified Worldwide Locations	USA-236: RC Transformation in CT .....	557	557
BRAC 05	Unspecified Worldwide Locations	DON-157: MCSA Kansas City, MO .....	39	39
BRAC 05	Unspecified Worldwide Locations	USA-222: Fort McPherson, GA .....	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	USA-121: Fort Gillem, GA .....	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	DON-138: NAS Brunswick, ME .....	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	MED-2: Walter Reed NMMC, Bethesda, MD .....	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	DON-101: Various Locations .....	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	IND-110: Mississippi Army Ammo Plant, MS .....	160	160
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations .....	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	IND-119: Newport Chemical Depot, IN .....	197	197
BRAC 05	Unspecified Worldwide Locations	IND-106: Kansas Army Ammunition Plant, KS .....	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	IND-122: Lone Star Army Ammo Plant, TX .....	11,379	11,379
<b>Total Base Realignment and Closure Account 2005 .....</b>			<b>126,697</b>	<b>126,697</b>
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure .....	146,951	146,951
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure .....	122,552	122,552
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure .....	79,893	79,893
<b>Total Base Realignment and Closure Account 1990 .....</b>			<b>349,396</b>	<b>349,396</b>
PYS	Worldwide Unspecified Unspecified Worldwide Locations	BRAC 2005 .....	0	-126,697
PYS	Unspecified Worldwide Locations	Contingency Construction .....	0	-20,000
<b>Total Prior Year Savings .....</b>			<b>0</b>	<b>-146,697</b>
<b>Total Military Construction .....</b>			<b>11,222,710</b>	<b>10,838,192</b>

1 **SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS.**

SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Agreement
	Bahrain Island			
Navy	SW Asia	Transient Quarters .....	0	41,529
Navy	SW Asia	Combined Dining Facility .....	0	9,819
	Djibouti			
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility .....	0	42,730
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse .....	0	22,220
Navy	Camp Lemonier, Djibouti	Fitness Center .....	0	26,960
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units .....	0	7,510
<b>Total Military Construction, Navy</b> .....			<b>0</b>	<b>150,768</b>
	Worldwide Unspecified			
PYS	Unspecified Worldwide Locations	112–10 and Title IV of Division H P.L. 112–74 .....	0	–150,768
<b>Total Prior Year Savings</b> .....			<b>0</b>	<b>–150,768</b>
<b>Total Military Construction</b> .....			<b>0</b>	<b>0</b>

2 **TITLE XLVII—DEPARTMENT OF**  
3 **ENERGY NATIONAL SECURITY**  
4 **PROGRAMS**5 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**  
6 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY2013 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability .....	6,000	6,000
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities .....	7,577,341	7,900,979
Defense nuclear nonproliferation .....	2,458,631	2,485,631
Naval reactors .....	1,088,635	1,187,635
Office of the administrator .....	411,279	363,279
Total, National nuclear security administration .....	11,535,886	11,937,524
Environmental and other defense activities:		
Defense environmental cleanup .....	5,472,001	5,482,001
Other defense activities .....	735,702	685,702
Total, Environmental & other defense activities .....	6,207,703	6,167,703
Total, Atomic Energy Defense Activities .....	17,743,589	18,105,227
<b>Total, Discretionary Funding</b> .....	<b>17,749,589</b>	<b>18,111,227</b>
<b>Electricity Delivery &amp; Energy Reliability</b>		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration .....	6,000	6,000
<b>Weapons Activities</b>		
Directed stockpile work		
Life extension programs		
B61 Life extension program .....	369,000	435,000
W76 Life extension program .....	174,931	255,931

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY2013 Request	House Authorized
Total, Life extension programs .....	543,931	690,931
Stockpile systems		
B61 Stockpile systems .....	72,364	72,364
W76 Stockpile systems .....	65,445	65,445
W78 Stockpile systems .....	139,207	151,207
W80 Stockpile systems .....	46,540	46,540
B83 Stockpile systems .....	57,947	57,947
W87 Stockpile systems .....	85,689	85,689
W88 Stockpile systems .....	123,217	128,217
Total, Stockpile systems .....	590,409	607,409
Weapons dismantlement and disposition		
Operations and maintenance .....	51,265	51,265
Stockpile services		
Production support .....	365,405	371,405
Research and development support .....	28,103	32,103
R&D certification and safety .....	191,632	218,632
Management, technology, and production .....	175,844	184,844
Plutonium sustainment .....	141,685	150,685
Total, Stockpile services .....	902,669	957,669
Total, Directed stockpile work .....	2,088,274	2,307,274
Campaigns:		
Science campaign		
Advanced certification .....	44,104	73,604
Primary assessment technologies .....	94,000	101,000
Dynamic materials properties .....	97,000	106,000
Advanced radiography .....	30,000	30,000
Secondary assessment technologies .....	85,000	85,000
Total, Science campaign .....	350,104	395,604
Engineering campaign		
Enhanced surety .....	46,421	54,921
Weapon systems engineering assessment technology .....	18,983	18,983
Nuclear survivability .....	21,788	21,788
Enhanced surveillance .....	63,379	71,379
Total, Engineering campaign .....	150,571	167,071
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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY2013 Request	House Authorized
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-404 Test capabilities revitalization II, Sandia National Lab- oratories, .....	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
Total, Readiness in technical base and facilities .....	2,239,828	2,339,828
Secure transportation asset		
Operations and equipment .....	114,965	114,965
Program direction .....	104,396	104,396
Total, Secure transportation asset .....	219,361	219,361
Nuclear counterterrorism incident response .....	247,552	247,552
Site stewardship		
Operations and maintenance .....	90,001	72,639
Total, Site stewardship .....	90,001	72,639
Defense nuclear security		
Operations and maintenance .....	643,285	643,285
NNSA CIO activities .....	155,022	155,022
Legacy contractor pensions .....	185,000	185,000
National security applications .....	18,248	18,248
Subtotal, Weapons activities .....	7,577,341	7,900,979
<b>Total, Weapons Activities .....</b>	<b>7,577,341</b>	<b>7,900,979</b>
<b>Defense Nuclear Nonproliferation</b>		
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		
U.S. plutonium disposition .....	498,979	498,979
U.S. uranium disposition .....	29,736	29,736
Total, Operations and maintenance .....	528,715	528,715
Construction:		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....	388,802	388,802
Total, Construction .....	388,802	388,802
Total, U.S. surplus fissile materials disposition .....	917,517	917,517
Russian surplus fissile materials disposition .....	3,788	3,788
Total, Fissile materials disposition .....	921,305	921,305
Global threat reduction initiative .....	466,021	493,021
Legacy contractor pensions .....	62,000	62,000
<b>Total, Defense Nuclear Nonproliferation .....</b>	<b>2,458,631</b>	<b>2,485,631</b>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program	FY2013 Request	House Authorized	
<b>Naval Reactors</b>			
Naval reactors development .....	418,072	418,072	
Ohio replacement reactor systems development .....	89,700	186,700	
S8G Prototype refueling .....	121,100	121,100	
Naval reactors operations and infrastructure .....	366,961	366,961	
Construction:			
13-D-905 Remote-handled low-level waste facility, INL .....	8,890	8,890	
13-D-904 KS Radiological work and storage building, KSO .....	2,000	2,000	
13-D-903, KS Prototype Staff Building, KSO .....	14,000	14,000	
10-D-903, Security upgrades, KAPL .....	19,000	19,000	
08-D-190 Expanded Core Facility M-290 recovering discharge station, Nav .....	5,700	5,700	
Total, Construction .....	49,590	49,590	
Program direction .....	43,212	45,212	
Subtotal, Naval Reactors .....	1,088,635	1,187,635	
Adjustments:			
Rescission of prior year balances .....	0	0	
<b>Total, Naval Reactors</b> .....	<b>1,088,635</b>	<b>1,187,635</b>	
<b>Office Of The Administrator</b>			
Office of the administrator .....	411,279	363,279	
<b>Total, Office Of The Administrator</b> .....	<b>411,279</b>	<b>363,279</b>	
<b>Defense Environmental Cleanup</b>			
Closure sites:			
Closure sites administration .....	1,990	1,990	
Hanford site:			
River corridor and other cleanup operations .....	389,347	389,347	
Central plateau remediation .....	558,820	558,820	
Richland community and regulatory support .....	15,156	15,156	
Total, Hanford site .....	963,323	963,323	
Idaho National Laboratory:			
Idaho cleanup and waste disposition .....	396,607	396,607	
Idaho community and regulatory support .....	3,000	3,000	
Total, Idaho National Laboratory .....	399,607	399,607	
NNSA sites			
Lawrence Livermore National Laboratory .....	1,484	1,484	
Nuclear facility D & D Separations Process Research Unit .....	24,000	24,000	
Nevada .....	64,641	64,641	
Sandia National Laboratories .....	5,000	5,000	
Los Alamos National Laboratory .....	239,143	239,143	
Total, NNSA sites and Nevada off-sites .....	334,268	334,268	
Oak Ridge Reservation:			
Building 3019 .....	67,525	67,525	
OR cleanup and disposition .....	109,470	109,470	
OR reservation community and regulatory support .....	4,500	4,500	
Total, Oak Ridge Reservation .....	181,495	181,495	
Office of River Protection:			
Waste treatment and immobilization plant 01-D-416 A-E/ORP-0060 / Major construction .....	690,000	690,000	
Tank farm activities			
Rad liquid tank waste stabilization and disposition .....	482,113	482,113	
Total, Office of River protection .....	1,172,113	1,172,113	
Savannah River sites:			
Savannah River risk management operations .....	444,089	444,089	
SR community and regulatory support .....	16,584	16,584	
Radioactive liquid tank waste:			
Radioactive liquid tank waste stabilization and disposition .....	698,294	698,294	

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY2013 Request	House Authorized
Construction:		
05-D-405 Salt waste processing facility, Savannah River .....	22,549	22,549
Total, Radioactive liquid tank waste .....	720,843	720,843
Total, Savannah River site .....	1,181,516	1,181,516
Waste Isolation Pilot Plant		
Waste isolation pilot plant .....	198,010	198,010
Total, Waste Isolation Pilot Plant .....	198,010	198,010
Program direction .....	323,504	323,504
Program support .....	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation .....	18,817	18,817
Paducah .....	8,909	8,909
Portsmouth .....	8,578	8,578
Richland/Hanford Site .....	71,746	71,746
Savannah River Site .....	121,977	121,977
Waste Isolation Pilot Project .....	4,977	4,977
West Valley .....	2,015	2,015
Total, Safeguards and Security .....	237,019	237,019
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
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,472,001</b>	<b>5,482,001</b>
<b>Other Defense Activities</b>		
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
<b>Total, Other Defense Activities .....</b>	<b>735,702</b>	<b>685,702</b>

Passed the House of Representatives May 18, 2012.

Attest:

*Clerk.*





112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4310

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## AN ACT

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