

112TH CONGRESS
2D SESSION

S. 3054

To provide strategic workload to Army arsenals in their function as a critical component of the organic defense industrial base.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2012

Mr. DURBIN (for himself, Mr. BOOZMAN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mr. HARKIN, Mr. KIRK, Mr. PRYOR, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide strategic workload to Army arsenals in their function as a critical component of the organic defense industrial base.

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 “Army Arsenal Stra-
5 tegic Workload Enhancement Act of 2012”.

6 **SEC. 2. DEPARTMENT OF DEFENSE USE OF ARSENALS.**

7 (a) IN GENERAL.—Chapter 143 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

1 **“§ 2425. Department of Defense use of arsenals**

2 “(a) IN GENERAL.—The Secretary of Defense shall
3 develop and promulgate measurable and enforceable
4 guidelines for the Department of Defense, defense agen-
5 cies, and the military services to have supplies, compo-
6 nents, end items, parts, assemblies, and sub-assemblies
7 made in factories or arsenals owned by the United States,
8 to the extent those factories or arsenals can make those
9 supplies, components, end items, parts, assemblies, and
10 sub-assemblies on an economical basis while preserving the
11 ability to provide an effective and timely response to mobi-
12 lizations, national defense contingency situations, and
13 other emergency requirements.

14 “(b) DETERMINATION OF ECONOMICAL BASIS.—For
15 purposes of determining whether supplies, components,
16 end items, parts, assemblies, and sub-assemblies can be
17 made on an ‘economical basis’ under subsection (a), the
18 Secretary of Defense shall analyze the direct costs associ-
19 ated with the manufacture of such supplies, components,
20 end items, parts, assemblies, and sub-assemblies. If an
21 analysis is not performed, the Secretary of Defense or the
22 relevant defense agency or military service shall promptly
23 report to the congressional defense committees the jus-
24 tification for not performing an analysis.”.

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:

“2425. Department of Defense use of arsenals.”.

4 **SEC. 3. ASSIGNMENT OF WORKLOAD AT ARMY FACTORIES**
 5 **AND ARSENALS.**

6 (a) IN GENERAL.—Section 4532 of title 10, United
 7 States Code, is amended to read as follows:

8 **“§ 4532. Assignment of workload at Army factories**
 9 **and arsenals**

10 “(a) ASSIGNMENT OF WORKLOAD.—(1) The Sec-
 11 retary of the Army shall assign Government-owned and
 12 Government-operated Department of the Army factories
 13 and arsenals sufficient workload to ensure cost efficiency
 14 and technical competence in peacetime, while preserving
 15 the ability to provide an effective and timely response to
 16 mobilizations, national defense contingency situations, and
 17 other emergency requirements.

18 “(2) At a minimum, workload may be derived from
 19 manufacturing of supplies, components, parts, systems,
 20 subsystems, and foreign military sales.

21 “(3) The Secretary of the Army shall develop and
 22 promulgate guidelines to make the arsenals available to
 23 the Department of Defense, defense agencies, and military
 24 services for procurement of supplies, components, parts,
 25 systems, and subsystems.

1 “(b) WAIVER AUTHORITY.—(1) The Secretary of the
2 Army may waive the requirement under subsection (a)(1)
3 if such a waiver is necessary for the national defense.

4 “(2) A waiver under paragraph (1) shall not take ef-
5 fect until 30 days after the Secretary submits to the con-
6 gressional defense committees a notification of the deter-
7 mination, together with the justification for the determina-
8 tion.

9 “(3) The authority to grant a waiver under para-
10 graph (1) may not be delegated.

11 “(c) ANNUAL ARSENAL REPORT.—In 2013 and each
12 year thereafter, not later than 60 days after the date on
13 which the budget of the President for a fiscal year is sub-
14 mitted to Congress, the Secretary of Defense shall submit
15 to Congress a report for the Army identifying, for the rel-
16 evant fiscal year, each of the following:

17 “(1) The core arsenal manufacturing capability.

18 “(2) The workload required to cost-effectively
19 support the arsenals and the manufacturing capa-
20 bility inherent in these installations.

21 “(3) The Secretary of the Army’s performance
22 in maintaining the Department of the Army’s fac-
23 tories and arsenals with sufficient workload to en-
24 sure affordability and technical competence in peace-
25 time.

1 “(4) The capital investments required to be
2 made in order to ensure compliance and operational
3 capacity.

4 “(d) COMPTROLLER GENERAL REVIEW.—The Comp-
5 troller General shall review each report required under
6 subsection (c) for completeness and compliance and pro-
7 vide findings and recommendations to the congressional
8 defense committees not later than 60 days after the report
9 is submitted to Congress.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 433 of title 10, United States
12 Code, is amended by striking the item relating to section
13 4532 and inserting the following new item:

 “4532. Assignment of workload at Army factories and arsenals.”.

14 (c) INITIAL WORKLOAD PLAN REPORT.—The first
15 report required under subsection (c) of section 4532 of
16 title 10, United States Code, as amended by subsection
17 (a), shall be submitted not later than 180 days after the
18 date of the enactment of this Act.

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